

## OSHA Will Fight For OSH Act Whistleblowers

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It is critical that workers who report workplace injuries or dangerous conditions know that they can do so without fear of reprisal. Workers' confidence in that knowledge was bolstered on February 22, 2016, when the Occupational Safety and Health Administration ("OSHA") and the U.S. Department of Labor ("DOL") issued press releases regarding recent actions against two companies for violating the Occupational Safety and Health Act ("OSH Act"), which allows OSHA to directly sue companies that retaliate against employees for reporting suspected OSHA violations and/or concerns.



A [case](#) out of Buffalo, New York, involved a Regional Environmental Demolition, Inc. employee who reported potentially-dangerous dilapidated sections of flooring at a job site. The company terminated him after OSHA contacted the company in response to the whistleblower's anonymous complaint. OSHA announced that it was pursuing aggressive action against the company, seeking lost wages, compensatory damages, interest, front pay, emotional/financial distress damages, and punitive damages on behalf of the retaliated-against worker. OSHA's regional administrator in New York emphasized that the company "had no reason and no right to fire this worker for repeatedly reporting a safety hazard that could have seriously harmed him and his fellow workers. Firing or retaliating against workers who raise safety concerns is intimidation, plain and simple."

The DOL has also [filed suit](#) against Pittsburgh's U.S. Steel Corp. for suspending two employees who reported possible workplace injuries. In retaliating against them, the company violated the OSH Act provision that disallows a company's implementation of an immediate reporting policy as a basis for punishing "late" reports of injuries. As OSHA's regional administrator in Philadelphia explained, "Because workers don't always recognize injuries at the time they occur, the policy provides an incentive for employees to not report injuries once they realize they should, since they are concerned that the timing of their report would violate the company's policy and result in some kind of reprimand."

These recent lawsuits demonstrate that OSHA and the DOL take seriously their role in preventing and punishing unfair retaliation against employees who aim to keep workplaces safer for everyone.