

OSHA Final Rule Protects Automotive Whistleblowers Under MAP-21

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In December 2016, the U.S. Occupational Safety and Health Administration (OSHA) [announced](#) that it had issued a final rule regarding the enforcement of retaliation protections under the Moving Ahead for Progress in 21st Century Act (“MAP-21”), 49 U.S.C. §30171. MAP-21 was enacted in 2012 to provide whistleblower protection to employees in the transportation industry. The law prohibits retaliation against employees who report motor vehicle defects or violations of National Highway Transportation Safety Administration (“NHTSA”) regulations to their employers or to federal regulators. NHTSA regulations impact the safety of millions of people, and violations can result in serious injury or death on the nation’s roads. [MAP-21](#) recognizes the important role that employees can play in ensuring that the transportation industry meets these crucial standards.

Under the new final rule – effective Dec. 14, 2016 – employees who believe they have suffered unlawful retaliation must file a complaint with OSHA within 180 days of the alleged violation. Complaints may be submitted orally or in writing, and will be accepted in any language. Once OSHA receives the complaint, the agency opens an investigation to determine whether the employer has violated the provisions of MAP-21. Under the statute, retaliation includes adverse actions such as demotion, harassment, blacklisting, discipline, intimidation, etc., as well as termination. If OSHA determines that the employer has engaged in unlawful retaliation, it is authorized to award the employee a variety of remedies, including reinstatement, back pay, compensatory damages and attorneys’ fees.

Employees who have reported motor vehicle defects, NHTSA violations or other concerns related to transportation safety, and believe they have suffered retaliation as a result, should take timely action to vindicate their rights. Blowing the whistle on unsafe conditions is a vital public service, and no employee should face hostility, demotion or termination as a result of their efforts. MAP-21 provides [transportation industry whistleblowers](#) with significant protections so that employees do not face a choice between standing up for safety and the security of their own jobs.