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OSHA to strength whistleblower protection

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The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced in August 2011 that it is implementing additional measures to strengthen the Whistleblower Protection Program.

This follows a critical report by the U.S. Government Accountability Office (GAO) which audited the program in 2009 and 2010, according to OSHA's press release.

The whistleblower protection laws enacted by the U.S. Congress prohibit employers from retaliating against employees who raise various protected concerns or provide protected information to either the employer or the government.

OSHA's Whistleblower Protection Program involves enforcement of whistleblower provisions contained in 21 statutes relating to workplace safety, as well as airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health care reform, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws.

The GAO report pertaining to OSHA's Whistleblower Protection Program highlighted "challenges related to transparency and accountability, training for investigators and managers, and the internal communications and audit program," according to OSHA's press release.

OSHA also conducted its own internal review.

The changes to the Whistleblower Protection Program announced by OSHA include:

Restructuring

- OSHA's Whistleblower Protection Program will report directly to the Assistant Secretary for

Occupational Safety and Health rather than being housed in OSHA's Directorate of Enforcement.

- Changes in field structure are currently being pilot tested.
- Commencing October 1, 2011, OSHA will establish a separate line item for the Whistleblower Program in its budget for better tracking and accountability.
- 25 new investigators will be added.

Training

OSHA will hold a national whistleblower training conference in September 2011, which will be attended by all whistleblower investigators from both federal and state plans agencies, as well as by Labor Department lawyers who work on whistleblower cases. Subsequently, OSHA will hold several other investigator training events so as to ensure that all investigators and supervisors have received the mandatory training by December 31, 2011.

Program Policy

OSHA will soon issue a new edition of its "Whistle-blower Investigations Manual" updating procedures and including information on new laws enacted since the Manual was last updated in 2003. This new manual will provide further guidance on the enforcement program to help ensure consistency and quality of investigations.

Internal Systems

OSHA's data collection system has been modified and the audit program is being strengthened and expanded to ensure that complaints are properly handled in a timely fashion.

A copy of OSHA's internal review report is available at: http://www.whistleblowers.gov/report_summary_page.html. ▲