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Whistleblower complaint statistics for 2012

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The U.S. Occupational Safety & Health Administration ("OSHA") is tasked with investigating and adjudicating complaints alleging retaliation for engaging in protected activity filed under many federal statutes.

As noted on its website, "OSHA's Whistleblower Protection Program enforces the whistleblower provisions of more than twenty whistleblower statutes protecting employees who report violations of various workplace safety, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws.

"Rights afforded by these whistleblower acts include, but are not limited to, worker participation in safety and health activities, reporting a work related injury, illness or fatality, or reporting a violation of the statutes."

However, the Kentucky OSH Program is only tasked with enforcement of the anti-retaliation provisions of the Kentucky OSH Act.

OSHA recently released whistleblower statistics for fiscal year 2012 (the 12 months ending September 30, 2012). The following are the highlights:

- 2,787 complaints were filed of which 1,706 alleged retaliation for engaging in protected activity under the Occupational Safety & Health Act;
- of the total complaints filed, 1,665 were dismissed, 565 were withdrawn, 592 were settled in whole or part, and 45 were found to have merit;
- of the total complaints filed alleging retaliation

under the OSH Act, 980 were dismissed, 339 were withdrawn, 382 were settled in whole or part, and 18 were found to have merit.

Starting in FY 2005, a total of 1,934 complaints were received and have gradually increased each year, a trend also seen with complaints filed under the OSH Act.

Don't forget to post injury and illness summaries (Form 300A) by April 30

Federal OSHA is reminding employers to post OSHA Form 300A, a list of the total number of job-related injuries and illnesses that occurred during 2012 and were logged on the form. The 300A form must be posted by April 30.

The form must be signed and certified by a company executive, and displayed in a common area where notices to employees are usually posted.

Information about the annual average number of employees and total hours worked during the calendar year is also required to be reported on the form. If your company recorded no injuries or illnesses in 2012, you still must enter "zero" on the total line.

Employers with 10 or fewer employees, and employers, in certain industries are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements. A list of exempt industries can be found at <http://s.dol.gov/YP>. Also at that website, copies of OSHA Forms 300 and 300A are available for download.

Union's Workers Memorial Day

AFL-CIO and the FSCME will observe "Workers Memorial Day" on April 28 to remember those "who have suffered and died on the job." A Kentucky event will be held in Lexington's Jackson Park (4001 Athens Boonesboro Road) beginning at 1:00 pm. State Rep. Susan Westrom, D-Lex., will speak. ▲