

Federal OSHA: OSHA's Whistleblower Program

WORKSAFE
safety, health, and justice for workers
seguridad, salud, y justicia para los trabajadores



To help ensure that workers are free to participate in safety and health activities, Section 11(c) of the OSH Act prohibits any person from discharging or in any manner retaliating against any worker for exercising rights under the OSH Act. These rights include:

- raising safety and health concerns with an employer,
- reporting a work-related injury or illness,
- filing a complaint with OSHA,
- seeking an OSHA inspection,
- participating in an OSHA inspection and participating or testifying in any proceeding related to an OSHA inspection.

Protection from retaliation means that an employer cannot retaliate by taking “adverse action” against workers, such as:

- Firing or laying off;
- Blacklisting;
- Demoting;
- Denying overtime or promotion;
- Disciplining;
- Denying of benefits;
- Failing to hire or rehire;
- Intimidation;
- Making threats;
- Reassignment affecting prospects for promotion; or
- Reducing pay or hours.

If a worker believes an employer has retaliated against them for exercising their safety and health rights, they should contact their local OSHA office right away. You must file a retaliation complaint with OSHA within 30 calendar days from the date the retaliatory decision has been both made and communicated to the worker. **No form is needed, but workers must call OSHA within 30 days of the alleged retaliation** (at 1-800-321-OSHA [6742]). For more information, please visit www.whistleblowers.gov.

Cal/OSHA has similar protections and up to **6 months** to file a written claim with the Labor Commissioner. See <http://www.dir.ca.gov/dlse/HowToFileDiscriminationComplaint.htm> for more information. Workers can file retaliation claims with both Cal/OSHA and federal OSHA. Source: “All About OSHA” (3302-2014, pages 19-20)