



OSHA FACT Sheet

Rights of Trucking Employees Involved in Safety Activities

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The *Surface Transportation Assistance Act of 1982 (STAA)*, Section 31105, gives the Secretary of Labor authority to investigate complaints by truck or bus drivers, mechanics, freight handlers, and others involved in operating commercial motor vehicles who believe they have been discharged or discriminated against for their involvement in protected safety activities. The *STAA* permits immediate reinstatement of unfairly discharged employees. (For more details, see *Title 29 of the Code of Federal Regulations*, Part 1978.)

What specific safety activities are covered?

Employers are prohibited from firing, demoting, or in any other way discriminating against an employee who does the following:

- Refuses to operate a vehicle that fails to meet safety regulations.
- Reports violations of vehicle safety requirements.
- Alleges exposure to significant hazards.
- Testifies or otherwise participates in safety-related proceedings.

What are the steps in the complaint process?

Here's how the complaint process works:

1. Employee files discrimination complaint with OSHA *within 180 days* of the alleged discrimination.
2. OSHA investigates within 60 days and provides employer with the substance of complaints while permitting rebuttal and interviewing witnesses.
3. If the investigation confirms a violation, the employer must abate the violation and reinstate the employee. The employee must be restored in the terms, conditions, and privileges of the former position and may be awarded back pay and compensatory damages.

4. Within 30 days after OSHA issues a finding, the employer or employee may file an objection with OSHA to the finding and/or the preliminary order and may request a hearing.
5. The Secretary of Labor issues a final order within 120 days of a hearing on the preliminary findings and order. The Secretary may order the company to pay reasonable costs and attorney's fees for the employee if discrimination is proven.

Appeals of the Secretary's final order go to the U.S. Court of Appeals and on to the Supreme Court. Throughout the process, OSHA investigators may try to settle the case informally. About half of the claims filed are dismissed initially because they are late or have no merit, and many are settled during the investigation.

How can I get more information on safety and health?

OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through workplace consultation, voluntary protection programs, strategic partnerships, alliances, state plans, grants, training, and education. OSHA's *Safety and Health Program Management Guidelines* (*Federal Register* 54:3904-3916, January 26, 1989) detail elements critical to the development of a successful safety and health management system. This and other information are available on OSHA's website.

- For one free copy of OSHA publications, send a self-addressed mailing label to OSHA Publications Office, 200 Constitution Avenue N.W., N-3101, Washington, DC 20210; or send a request to our fax at (202) 693-2498, or call us toll-free at (800) 321-OSHA.
- To order OSHA publications online at www.osha.gov, go to **Publications** and follow the instructions for ordering.
- To file a complaint by phone, report an emergency, or get OSHA advice, assistance, or products, contact your nearest OSHA office under the U.S. Department of Labor listing in your phone book, or call toll-free at

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(800) 321-OSHA (6742). The teletypewriter (TTY) number is (877) 889-5627.

- To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website.

This is one in a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new

compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to *Title 29 of the Code of Federal Regulations*. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999. See also OSHA's website at www.osha.gov.

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