

# OSHA **FACT** Sheet

## **What are my rights as a whistleblower?**

If your employer retaliates against you because you are involved in raising concerns or reporting violations of environmental rules and regulations, you can contact OSHA for help.

## **Do I have any protection if I voice environmental concerns?**

Yes, a number of laws protect workers against retaliation for reporting violations of environmental laws related to drinking water and water pollution, toxic substances, solid waste disposal, air quality and air pollution, and hazardous waste disposal sites.

## **What environmental laws with whistleblower protections does OSHA enforce?**

OSHA administers the whistleblower provisions of the following environmental laws. Note that complaints must be reported to OSHA within 30 days of the alleged retaliation.

- Asbestos Hazard Emergency Response Act
- Clear Air Act
- Comprehensive Environmental Response, Compensation and Liability Act
- Federal Water Pollution Control Act
- Safe Drinking Water Act
- Solid Waste Disposal Act
- Toxic Substances Control Act

Other laws exist to protect workers against retaliation for reporting safety and health concerns, including concerns about asbestos in schools. Information on the whistleblower provisions of other laws enforced by OSHA can be obtained as described below.

## **What actions of retaliation do the whistleblower provisions prohibit?**

Employer retaliation against employees who exercise their legal rights under these employee

protection statutes is prohibited. Such discrimination may include the following actions:

- Blacklisting
- Demotion
- Discharge
- Disciplinary actions (such as assigning to undesirable shifts, denying overtime or promotion, disallowing benefits, or reducing pay or hours)
- Failure to hire or rehire
- Harassment
- Suspension

## **How do I file a complaint?**

If you believe your employer retaliated against you because you exercised your legal rights as an employee, contact your local OSHA office *as soon as possible* because, as described above, most of these laws contain very short deadlines for filing complaints. Fax or mail your complaint to the OSHA office listed on the OSHA website at [www.osha.gov](http://www.osha.gov). OSHA conducts an in-depth interview with each complainant to determine the need for an investigation. If evidence supports the worker's claim of retaliation, OSHA will ask the employer to restore the worker's job, earnings, and benefits.

## **Do the environmental whistleblower laws protect me if I refuse to work?**

These environmental whistleblower statutes do not expressly provide protection for an employee who refuses to work because of an alleged safety or health violation by an employer. The Secretary, however, interprets these statutes to protect refusals to work where an employee has a reasonable belief that his or her working conditions are unsafe or unhealthful, and he or she does not receive an adequate explanation from a responsible official that the conditions are safe.

## How can I get more information?

To get more information on whistleblower provisions of other laws, go to [www.osha.gov](http://www.osha.gov), click on **W** in the site index, then click on **Whistleblowers**. In addition, 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.

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- To file a complaint, 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 **(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](http://www.osha.gov).