



Workplace Whistleblower

OSHA and FAA Sign Agreement on Protecting Airline Workers from Retaliation

By Meagan Newman and Craig B. Simonsen

The Occupational Safety and Health Administration (OSHA) and the Federal Aviation Administration (FAA) recently completed a [Memorandum of Understanding](#) (December 1, 2015), which will permit the sharing of information under the anti-retaliation provision of the [Wendell H. Ford Aviation Investment and Reform Act for the 21st Century](#) (AIR21), 49 U.S.C. § 42121.

AIR21 prohibits air carriers and air carrier contractors and subcontractors from firing or retaliating against airline workers who complain about violations of aviation regulations. Dr. David Michaels, in a December 23, 2015, press release, indicated that “airline industry employees have a right to speak out about unsafe workplaces and practices without fear of losing their jobs.” “Through this agreement with the FAA, we are reinforcing the message that silencing workers who try to do the right thing is unacceptable for workers and also unsafe for the public.”

Under the MOU, the FAA will refer employees who complain of retaliation to OSHA, and OSHA will provide FAA with copies of complaints, findings, and preliminary orders filed under the AIR21 whistleblower provision. In addition, OSHA and FAA will jointly develop training materials to assist “FAA enforcement staff in recognizing retaliation complaints and OSHA enforcement staff in recognizing potential violations of airline safety regulations revealed during investigations.”

The MOU was effective on December 1, 2015.

OSHA enforces the whistleblower provisions of twenty-two statutes protecting employees who report violations of various workplace, commercial motor vehicle, airline, nuclear, pipeline, environmental, railroad, public transportation, maritime, consumer product, motor vehicle safety, health care reform, corporate securities, food safety, and consumer financial reform regulations.

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