



Workplace Whistleblower

OSHA Recommended Practices for Employers for Preventing and Addressing Retaliation

By Meagan Newman and Craig B. Simonsen

The Occupational Safety and Health Administration has published a [draft document](#) intended to “help employers” to develop a program to protect employees from retaliation when issues or concerns about workplace conditions or activities that could harm workers or members of the public are raised.

The draft, *Protecting Whistleblowers: Recommended Practices for Employers for Preventing and Addressing Retaliation*, the Agency believes, will assist employers in creating a “non-retaliatory environment” in the workplace by providing “practical guidance on protecting whistleblower rights for public, private, and non-profit employers.” The draft document contains sections on how to include leadership commitment, foster an anti-retaliation culture, respond to reports of retaliation, conduct anti-retaliation training, and monitor progress and program improvement.

OSHA prepared this draft document based on recommendations of the Whistleblower Protection Advisory Committee’s [Best Practices for Protecting Whistleblowers and Preventing and Addressing Retaliation](#). The Agency indicates that it is especially interested in comments related to:

- How anti-retaliation concepts are described;
- Important features of an anti-retaliation program;
- Challenges to implementation of the recommended practices; and
- Issues specific to small businesses.

While the OSH Act prohibits employers from retaliating against employees for exercising their rights under the OSH Act, OSHA also enforces the whistleblower protection provisions of 21 other statutes relating to asbestos in schools, cargo container safety, aviation safety, commercial motor carrier safety, consumer product safety, environmental protection, consumer financial protection, food safety, health insurance reform, motor vehicle safety, nuclear safety, pipeline safety, public transportation safety, railroad safety, maritime safety, and securities laws.

Comments on the draft document will be accepted until Jan. 19, 2016. Comments should be submitted to Docket No. [OSHA-2015-0025](#).

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