

COMPLIANCE OVERVIEW

OSHA Whistleblower Protection Program

The Occupational Safety and Health Administration (OSHA) oversees a [whistleblower protection program](#) that enforces the whistleblower provisions of more than 20 federal statutes. These provisions protect employees from retaliation for reporting violations of various laws and for engaging in other related protected activities.

OSHA's enforcement authority is very broad. It covers the whistleblower provisions of various workplace safety and health, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, securities and tax laws.

OSHA has provided a chart summarizing the [whistleblower statutes, which](#) includes detailed information related to the investigation process. This Compliance Overview includes a summary version of that chart with key information regarding covered individuals, protected activities and deadlines for filing complaints under each law, and provides links to additional information where available.

LINKS AND RESOURCES

- OSHA's [whistleblower investigations manual](#)
- Online whistleblower complaint [form](#)
- [Guidance](#) on what to expect during a whistleblower investigation
- OSHA's [recommended practices](#) for anti-retaliation programs

Retaliation

- Retaliation occurs when an employer fires an employee or takes any other type of adverse action against an employee for engaging in protected activity.

Adverse Action

- An adverse action is an action that would dissuade a reasonable employee from raising a concern about a possible violation or engaging in any other related protected activity. Examples include:
 - Firing or laying off
 - Denying benefits
 - Reducing pay or hours
 - Blacklisting
 - Constructive discharge
 - Demoting
 - Intimidation or harassment

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Whistleblower Statute Overview

Each statute that is part of OSHA’S Whistleblower Protection Program has separate requirements regarding the employers that are covered, which activities are protected and deadlines by when complaints must be filed.

Law	Covered Employers	Protected Activities	Filing Deadline
Asbestos Hazard Emergency Response Act (AHERA)	Private sector State and local government Certain Department of Defense and tribal schools	Employees are protected from retaliation for reporting violations of the law relating to asbestos in public or private nonprofit elementary and secondary school systems.	90 days
Section 11(c) of OSHA (OSH Act)	Private sector U.S. Postal Service Certain tribal employers	Employees are protected when exercising a variety of rights guaranteed under the Act, including filing a safety and health complaint with OSHA or their employers, or participating in an inspection.	30 days
International Safe Container Act (ISCA)	Private sector Local government Certain state government and interstate compact agencies	Employees are protected when reporting to the Coast Guard the existence of an unsafe intermodal cargo container or another violation of the Act.	60 days
Surface Transportation Assistance Act (STAA)	Private sector	Truck drivers and other covered employees are protected when refusing to violate, or reporting violations of, regulations related to the safety or security of commercial motor vehicles.	180 days
Safe Drinking Water Act (SDWA)	Private sector Federal, state and municipal Indian tribes	Employees are protected when reporting violations of the Act, which requires that all drinking water systems assure their water is potable as determined by the Environmental Protection Agency (EPA).	30 days
Federal Water Pollution Control Act (otherwise known as the Clean Water Act)	Private sector State and municipal Indian tribes	Employees are protected when reporting violations of the law related to water pollution.	30 days
Toxic Substances Control Act (TSCA)	Private sector	Employees who report alleged violations related to industrial chemicals currently produced or imported into the United States are protected .	30 days

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Solid Waste Disposal Act (SWDA)	Private sector Federal, state and municipal Indian tribes	Employees are protected when reporting violations of the law that regulates the disposal of waste.	30 days
Clean Air Act (CAA)	Private sector Federal, state and municipal	Employees are protected when reporting violations of the Act, which provides for the development and enforcement of standards regarding air quality and air pollution.	30 days
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)	Private sector Federal, state and municipal	Employees are protected when reporting violations of regulations involving accidents, spills and other emergency releases of pollutants into the environment. Employees who report violations related to the cleanup of uncontrolled or abandoned hazardous waste sites (“Superfund” sites) are also protected.	30 days
Energy Reorganization Act (ERA)	Nuclear Regulatory Commission (NRC) contractors and subcontractors NRC licensees and applicants for licenses (including contractors and subcontractors) Agreement state licensees and applicants for licenses from agreement states, including their contractors and subcontractors Department of Energy (DOE) contractors and subcontractors	Certain employees in the nuclear industry are protected when reporting violations of the Atomic Energy Act. Protected employees include employees of operators, contractors and subcontractors of nuclear power plants licensed by the NRC and employees of contractors working with the DOE under a contract pursuant to the Atomic Energy Act.	180 days
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21)	Air carriers and their contractors and subcontractors	Employees are protected when reporting violations of laws related to aviation safety.	90 days

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Sarbanes-Oxley Act (SOX)	<p>Companies registered under §12 or required to report under §15(d) of the Securities Exchange Act and their consolidated subsidiaries or affiliates, contractors, subcontractors, officers and agents, and nationally recognized statistical rating organizations</p>	<p>Employees of certain companies are protected when reporting alleged mail, wire, bank or securities fraud, violations of Securities Exchange Commission rules, and regulations or violations of federal laws related to fraud against shareholders.</p>	<p>180 days</p>
Pipeline Safety Improvement Act (PSIA)	<p>Private sector employers, states, municipalities and individuals owning or operating pipeline facilities and their contractors and subcontractors</p>	<p>Employees are protected when reporting violations of federal laws related to pipeline safety and security, or for refusing to violate such laws.</p>	<p>180 days</p>
Federal Railroad Safety Act (FRA)	<p>Railroad carriers and their contractors, subcontractors and officers</p>	<p>Employees are protected when reporting a workplace injury or illness, a hazardous safety or security condition, a violation of any federal law or regulation relating to railroad safety or security, or the abuse of public funds appropriated for railroad safety. In addition, employees are protected when refusing to work due to a hazardous safety or security condition.</p>	<p>180 days</p>
National Transit Systems Security Act (NTSSA)	<p>Public transportation agencies and other contractors, subcontractors and officers</p>	<p>Transit employees are protected when reporting a hazardous safety or security condition, a violation of any federal law relating to public transportation agency safety or the abuse of federal grants or other public funds appropriated for public transportation. This Act also protects public transit employees from retaliation for refusing to work when confronted by a hazardous safety or security condition, or refusing to violate a federal law related to public transportation safety.</p>	<p>180 days</p>
Consumer Product Safety Improvement Act (CPSIA)	<p>Manufacturing, private labeling, distribution and retail employers in the United States</p>	<p>Employees are protected when they report reasonably perceived violations of any statutes or regulations within the jurisdiction of the Consumer Product Safety Commission to their employer, the federal government or a state attorney general.</p>	<p>180 days</p>

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Affordable Care Act (ACA)	Private and public sector employers	Employees are protected when reporting violations of any provision of Title I of ACA. This includes, but is not limited to, discrimination based on an individual's receipt of health insurance subsidies, the denial of coverage based on preexisting conditions or an insurer's failure to rebate a portion of an excess premium.	180 days
Seaman's Protection Act (SPA)	Private sector, and state and local government employers (vessel must be American-owned, including U.S. Flagged)	Seamen are protected from retaliation when reporting to the Coast Guard or another federal agency a violation of a maritime safety law or regulation. They are also protected when they refuse to work due to reasonably believing the assigned task would result in serious injury or impairment of health to themselves, other seamen or the public.	180 days
Consumer Financial Protection Act (CFPA)	Any person engaged in offering or providing consumer financial products or services, a service provider to such person or such person's affiliate acting as a service provider to it	Employees performing tasks related to consumer financial products or services are protected when reporting reasonably perceived violations of any provision of Title X of the Dodd-Frank Act or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection or any rule, order standard or prohibition prescribed by the Bureau.	180 days
FDA Food Safety Modernization Act (FSMA)	Any entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding or importation of food	Protects employees of manufacturers, distributors, packers and transporters when they report a violation of the Food, Drug and Cosmetic Act or a regulation promulgated under the Act. Employees are also protected when refusing to participate in a practice that violates the Act.	180 days
Moving Ahead for Progress in the 21st Century Act (MAP-21)	Motor vehicle manufacturer, part supplier or dealership	Employees are protected when they provide information to the employer or U.S. Department of Transportation about motor vehicle defects, noncompliance or violations of the notification or reporting requirements enforced by the National Highway Traffic Safety Administration (NHTSA) or for engaging in related protected activities.	180 days
Taxpayer First Act (TFA)	Employer or any officer, employee, contractor, subcontractor or agent of such employer	Employees are protected if they report underpayment of taxes, potential violations of internal revenue laws or potential violations of any provision of federal law relating to tax fraud to their employers or to the federal government or engaging in other protected activities.	180 days