

Don't Be Afraid to Speak Up: The Law is on Your Side

You wouldn't want to work in conditions that could injure, sicken or kill you. That's why the law has put in place protections to ensure your safety. Importantly, the law also **protects your right to report such hazards**-without losing your job or being punished for speaking up.

It's all part of the Occupational Safety and Health Act of 1970. This Act created the [Occupational Safety and Health Administration](#) (OSHA), which sets and enforces standards to keep employees safe. It also allows employees to file a complaint with OSHA without fear of retaliation from their employer.

Retaliation Flagged in the Courts

This is a provision that has been tested time and again in our courts, as evidenced in these two lawsuits filed recently:

A worker at Crown Furniture in West Springfield, Mass., noticed asbestos, mold and rodents in the company's basement. [He filed a complaint with OSHA](#). Two days later, he was questioned about why he filed the complaint and then fired. In [four separate incidents](#), employees at Southwestern Bell were disciplined or given unsatisfactory performance appraisals after they were injured on the job. An employee in Parkville, Mo., injured his knee while walking in snowy conditions. An employee in Lawrence, Ks., reported a back injury. A worker in Liberty, Mo., had a work-related fracture. Another worker in Overland Park, Ks., injured his ankle.

Fighting for the Underdog

In both cases, the [United States Department of Labor](#) filed lawsuits on behalf of these employees. According to OSHA's

press release, the lawsuit against Crown Furniture seeks “more than \$20,000 in lost wages to compensate the employee, plus interest, as well as compensatory and/or punitive damages and posting of a nondiscrimination notice at the workplace.”

The lawsuit against Southwestern Bell seeks to remove the negative reports from employee files, and to recover legal costs. “It is against the law for employers to discipline employees for reporting injuries,” said Marcia Drumm, acting regional administrator for OSHA in Kansas City, Mo. “Southwestern Bell must understand that, by discouraging workers from reporting injuries, it increases the likelihood of more injured workers in the future. The department will do everything in its power to prevent this type of retaliation. ”

What You Need to Know About Whistleblowing

While the law protects employees reporting actions that are potentially hazardous, there are also protections for employers and limits to employee rights. It’s important to check *both* state law *and* federal law to ensure that you are covered. For more detailed information on employee whistleblower rights, including fact sheets, visit <http://www.whistleblowers.gov>.

Talk to us, too.

At Martin Law, we continue to advocate for safer work environments and protect employees and employers alike. If you have questions regarding issues discussed in this article, or about something that has happened in *your* workplace, feel free to contact me or any Martin Law attorney at (215) 587-8400.