

NATIONAL COSH statement on the U.S. DOL’s Office of Inspector General report on whistleblower complaints

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Contact: Roger Kerson,
Roger@nationalcosh.org, 734.645.0535

*Whistleblower Complaints Skyrocket During COVID-19
as Inspector General warns of delays and calls for faster investigations*

“OSHA was challenged to complete investigations in a timely manner before the pandemic and the potential exists for even greater delays now,” states an investigative report from the U.S. Department of Labor’s Office of Inspector General (OIG)*. “As COVID-19 illnesses and deaths continue to rise, OSHA needs to act quickly to investigate whistleblower complaints, so employees feel protected when reporting unsafe working conditions.”

According to the August 14 OIG report, OSHA received more than 4,100 complaints of illegal retaliation against whistleblowers during the first four months of the COVID-19 pandemic, from February 1, 2020 through May 31, 2020. This is a 30 percent increase compared to complaints received during the same four-month period in 2019.

OSHA’s Whistleblower Protection Program enforces the whistleblower provisions of more than 20 whistleblower statutes protecting employees from retaliation for reporting violations 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 and for engaging in other related protected activities.
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In Wisconsin, for example, meatpacking workers at Strauss Brands – many of them immigrants – say they were fired after they complained about the absence of safety protocols to protect against COVID-19. Despite the urgency of enforcing public health and safety laws to stop the spread of a deadly virus, OSHA has reduced the number of whistleblower inspectors. It now takes 279 days – more than eight months – for OSHA to complete a whistleblower investigation, an 86 percent increase from 2010.

In June 2020, the National Employment Law Project surveyed more than 1,100 workers nationwide and found that one in eight reported “possible retaliatory actions by employers against workers in their company who have raised health and safety concerns during the pandemic.” Black workers were more than twice as likely as their white counterparts to report possible acts of employer retaliation.

“Silence about hazards in the workplace equals increased illness, injury and death for workers,” said Jessica Martinez, co-director of National COSH. “We can’t allow employers to blackmail workers into silence by threatening their jobs and their

livelihoods if they speak out about safety – and it’s unacceptable when Black workers, immigrants and other vulnerable groups are singled out for retaliation.”

“OSHA must act immediately implement the inspector general’s recommendations,” said Marcy Goldstein-Gelb, a co-director of National COSH. “Add staff. Cut red tape. Do whatever it takes to make protecting whistleblowers a priority. When workers can safely speak out, we can save lives in the workplace and protect our families and communities.”

COVID-19 resources available from National COSH:

- COVID-19 fatality database, with public reports of more than 700 workers who have died after exposure from COVID-19. This represents just a fraction of total workplace fatalities from the pandemic.
- “A Safe and Just Return to Work,” a National COSH report with recommendations for keeping workers safe during COVID 19 from labor and community advocates, industrial hygienists, occupational health experts, attorneys, and physicians.

National COSH links the efforts of local worker health and safety coalitions in communities across the United States, advocating for elimination of preventable hazards in the workplace. For more information, visit National Council for Occupational Safety and Health (National COSH) www.nationalcosh.org (617) 642-1878

*The U.S. Department of Labor’s (DOL) Office of Inspector General (OIG) is responsible for conducting criminal, civil, and administrative investigations relating to violations of Federal laws, rules or regulations as they pertain to DOL programs, grants, contracts, and operations, as well as allegations of criminal activity and serious misconduct on the part of DOL employees.