



Occupational Safety & Health Administration

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## WORKER PROTECTIONS

The whistleblower protection statutes enforced by OSHA are listed below. They contain whistleblower anti-retaliation provisions that generally provide that employers may not discharge or otherwise retaliate against an employee because the employee has filed a complaint or exercised any rights provided to employees. Each law requires that complaints be filed within a certain number of days after the alleged retaliation. Complaints may be filed orally or in writing, and OSHA will accept the complaint in any language. Click on the statutes button to see whistleblower provisions.

Occupational Environmental and Nuclear Safety Laws	Days to File
<b>Section 11(c) of the Occupational Safety &amp; Health Act (OSHA).</b> [29 U.S.C. §660(c)] Section 11(c) provides protection for employees who exercise a variety of rights guaranteed under the Act, such as filing a safety and health complaint with OSHA, participating in an inspection, etc. <b>29 CFR 1977</b>	30
<b>Asbestos Hazard Emergency Response Act (AHERA).</b> [15 U.S.C. §2651] Protects employees who report violations of the law relating to asbestos in public or private non-profit elementary and secondary school systems. <b>29 CFR 1977</b>	90
<b>Clean Air Act (CAA).</b> [42 U.S.C. §7622] Prohibits retaliation against any employee who reports violations regarding air emissions from area, stationary, and mobile sources. <b>29 CFR 24</b>	30
<b>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).</b> [42 U.S.C. §9610] a.k.a. "Superfund," prohibits retaliation against any employee who reports alleged violations relating to cleanup of hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants. <b>29 CFR 24</b>	30
<b>Energy Reorganization Act (ERA).</b> [42 U.S.C. §5851] Prohibits retaliation against any employee who reports violations or refuses to engage in violations of the ERA or the Atomic Energy Act. Protected employees include employees of operators, contractors and subcontractors of nuclear power plants licensed by the Nuclear Regulatory Commission, and employees of contractors working with the Department of Energy under a contract pursuant to the Atomic Energy Act. <b>29 CFR 24</b>	180
<b>Federal Water Pollution Control Act (FWPCA).</b> [33 U.S.C. §1367] a.k.a. "Clean Water Act," prohibits retaliation against any employee who reports alleged violations relating to discharge of pollutants into water. <b>29 CFR 24</b>	30
<b>Safe Drinking Water Act (SDWA).</b> [42 U. S. C. §300j-9(i)] Prohibits retaliation against any employee who reports alleged violations relating to any waters actually or potentially designated for drinking. <b>29 CFR 24</b>	30
<b>Solid Waste Disposal Act (SWDA).</b> [42 U.S.C. §6971] Prohibits retaliation against any employee who reports alleged violations relating to the disposal of solid and hazardous waste (including medical waste) at active and future facilities. This statute is also known as the Resource Conservation and Recovery Act. <b>29 CFR 24</b>	30
<b>Toxic Substances Control Act (TSCA).</b> [15 U.S.C. §2622] Prohibits retaliation against any employee who reports alleged violations relating to industrial chemicals produced or imported into the United States, and supplements the Clean Air Act (CAA) and the Toxic Release Inventory under Emergency Planning & Community Right to Know Act (EPCRA). <b>29 CFR 24</b>	30

Transportation Industry Laws	Days to File
<p><b>Federal Railroad Safety Act (FRSA).</b> [49 U.S.C §20109] Protects employees of railroad carriers and their contractors and subcontractors who report 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, the statute protects employees who refuse to work when confronted by a hazardous safety or security condition. <b>29 CFR 1982</b></p>	180
<p><b>International Safe Container Act (ISCA)</b> [46 U.S.C. §80507] Protects employees involved in international shipping who report to the Coast Guard the existence of an unsafe intermodal cargo container or another violation of the Act. <b>29 CFR 1977</b></p>	60
<p><b>Moving Ahead for Progress in the 21st Century Act (MAP-21).</b> [49 U.S.C. §30171] Prohibits retaliation by motor vehicle manufacturers, part suppliers, and dealerships against employees for providing information to the employer or the 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 or for engaging in related protected activities as set forth in the provision.</p>	180
<p><b>National Transit Systems Security Act (NTSSA).</b> [6 U.S.C. §1142] Protects transit employees who report 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. The Act also protects public transit employees who refuse to work when confronted by a hazardous safety or security condition or refuse to violate a federal law related to public transportation safety. <b>29 CFR 1982</b></p>	180
<p><b>Pipeline Safety Improvement Act (PSIA).</b> [49 U.S.C. §60129] Protects employees who report violations of federal laws related to pipeline safety and security or who refuse to violate such laws. <b>29 CFR 1981</b></p>	180
<p><b>Seaman's Protection Act, 46 U.S.C. §2114 (SPA), as amended by §611 of the Coast Guard Authorization Act of 2010, Public Law 111-281.</b> Protects employees who report to the Coast Guard or another federal agency a violation of a maritime safety law or regulation. The Act also protects seamen who refuse to work when they reasonably believe an assigned task would result in serious injury or impairment of health to themselves, other seamen, or the public.</p>	180
<p><b>Surface Transportation Assistance Act (STAA).</b> [49 U.S.C §31105] Protects truck drivers and other employees who refuse to violate regulations related to the safety of commercial motor vehicles or who report violations of those regulations. <b>29 CFR 1978</b></p>	180
<p><b>Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21).</b> [49 U.S.C. §42121] Protects employees of air carriers and contractors and subcontractors of air carriers who, among other things, report violations of laws related to aviation safety. <b>29 CFR 1979</b></p>	90

Consumer and Investor Protection Laws	Days to File
<b>Affordable Care Act. 29 U.S.C. §218C (ACA)</b> Protects employees who report violations of any provision of title I of the ACA, including but not limited to discrimination based on an individual's receipt of health insurance subsidies, the denial of coverage based on a preexisting condition, or an insurer's failure to rebate a portion of an excess premium.	180
<b>Consumer Financial Protection Act (CFPA). [12 U.S.C. §5567]</b> . Employees are protected for blowing the whistle on reasonably perceived violations of any provision of the Title X of the Dodd-Frank Wall Street Reform and Consumer Protection 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
<b>Sarbanes-Oxley Act (SOX). [18 U.S.C. §1514A]</b> Protects employees of certain companies who report alleged mail, wire, bank or securities fraud; violations of the SEC rules and regulations; or violation of federal laws related to fraud against shareholders. The Act covers employees of publicly traded companies and their subsidiaries, as well as employees of nationally-recognized statistical rating organizations. <b>29 CFR 1980</b>	180
<b>Consumer Product Safety Improvement Act (CPSIA). [15 U.S.C. §2087]</b> Protects employees who report to their employer, the federal government, or a state attorney general reasonably perceived violations of any statute or regulation within the jurisdiction of the Consumer Safety Product Safety Commission (CPSIA). CPSIA covers employees of consumer product manufacturers, importers, distributors, retailers, and private labelers. <b>29 CFR 1983</b>	180
<b>FDA Food Safety Modernization Act (FSMA) [21 U.S.C. 399d]</b> . Protects employees of food manufacturers, distributors, packers, and transporters from reporting a violation of the Food, Drug, and Cosmetic Act, or a regulation promulgated under the Act. Employees are also protected from retaliation for refusing to participate in a practice that violates the Act.	180

\***Accessibility Assistance:** Contact OSHA's Directorate of Whistleblower Protection Programs at 202-693-2199 for assistance accessing PDF materials.



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