**[Fostering a Safe Workplace Free from Retaliation](https://www.osha.gov/Publications/3357consultation-sm.pdf)**

The Occupational Safety and Health Administration remains committed to protecting the rights of workers who raise safety and health concerns. Protecting workers means not only complying with regulations. Workers also have a legal right to raise safety and health concerns on the job without fear of retaliation. Workplace policies allowing workers to report unsafe, potentially dangerous and costly problems are a key element of a safety and health program. It is well-known that companies with effective safety and health programs actually find it helpful to encourage employees to report their concerns.

Unfortunately, not all establishments foster a cooperative environment where workers can express concerns about workplace practices. Section 11(c) of the Occupational Safety and Health (OSH) Act protects employees who exercise their rights under the law. In the decades since the passage of the OSH Act, Congress has enacted several other statutes expanding whistleblower protection in other areas. These provisions protect employees from retaliation when they raise or report concerns regarding hazards or violations of various laws related to workplace safety and health, transportation, consumer product, environmental, financial reform, food safety, health insurance reform, securities, and taxes.

It is illegal for an employer to retaliate against an employee engaging in protected activities under these laws. Such activities may include requesting personal protective equipment, filing reports about possible violations of the law with the OSHA or other government agencies, raising concerns about workplace hazards or potential violations of the law to the employer, reporting a workplace injury or illness, or refusing to conduct tasks that would violate the law.

The agency has aggressively pursued whistleblower cases of retaliation and wrongful termination and has seen positive results. From Oct. 1, 2020 through Dec. 31, 2020, federal OSHA received 2,835 whistleblower complaints, of which the agency has processed 99 percent, or 2,823 complaints. The agency has recorded 657 whistleblower complaints for investigation and closed 2,164 cases administratively.

To prevent workplace retaliation, OSHA issued [Recommended Practices for Anti-Retaliation Programs](https://www.osha.gov/Publications/OSHA3905.pdf) to help employers create an environment in which workers feel comfortable voicing their concerns without fear of retaliation. The recommendations are intended to apply to all public and private sector employers covered by [the more than 20 whistleblower protection laws](https://www.whistleblowers.gov/statutes) that OSHA enforces. The recommendations are adaptable to most workplaces, and employers may adjust them for such variables as number of employees, makeup of the workforce, and type of work performed. These concepts can be used to create a new program or enhance an existing one.

The document outlines five key elements of an effective anti-retaliation program:

1. Management leadership, commitment, and accountability,
2. System for listening to and resolving employees’ safety and compliance concerns,
3. System for receiving and responding to reports of retaliation,
4. Anti-retaliation training for employees and managers, and
5. Program oversight.

A proactive anti-retaliation program should respond appropriately to employees’ compliance concerns (i.e., concerns about hazards or potential employer violations of one of the more than 20 laws enforced by OSHA), and address retaliation against employees who raise or report concerns.

To obtain more information on OSHA’s Whistleblower Protection Program or the laws under its jurisdiction, visit [www.whistleblowers.gov](http://www.whistleblowers.gov) or call (800) 321-6742 (OSHA).