



OSHA FACT Sheet

Whistleblowers and Airlines

Employee Rights

If your employer is an air carrier, or a contractor or subcontractor of an air carrier, and retaliates against you because you are involved in raising concerns or reporting violations of airline safety rules and regulations to your employer or to the federal government, you can contact OSHA for help.

Legal Protection

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) protects workers against retaliation for reporting violations of laws related to airline safety. These airline safety laws include any order, regulation or standard of the FAA, or any other provision of federal law relating to air carrier safety. AIR 21 also protects workers against retaliation for filing, causing to be filed, participating in, or assisting in a proceeding related to any violation of those airline safety laws. To obtain more information on the orders, regulations or standards of the FAA, go to www1.FAA.gov.

Work Refusal

AIR 21 does not expressly provide protection for an employee who refuses to work because of an alleged airline safety violation by an employer. The Secretary of Labor, however, interprets this statute to protect refusals to work when an employee has a reasonable belief that his or her working conditions are unsafe or unhealthful, and he or she does not receive an adequate explanation from a responsible official that the conditions are safe.

Retaliatory Actions

Employer discrimination against employees who exercise their legal rights under Air 21 is prohibited. Such discrimination may include the following actions:

- Blacklisting
- Demotion

- Discharge or layoff
- Failure to hire or rehire
- Harassment
- Suspension
- Disciplinary actions—such as assigning to undesirable shifts, denying overtime or promotion, disallowing benefits, or reducing pay or hours

Complaints

If you believe that your employer retaliated against you because you exercised your legal rights as an employee concerning airline safety, contact your local OSHA office **within 90 days** of the alleged retaliation. Fax or mail your complaint to the OSHA office listed on the OSHA website at www.osha.gov. OSHA will review the complaint to determine whether to conduct an investigation, and will conduct an investigation in accordance with the statutory requirements. OSHA will not inquire into the immigration status of the complainant as part of the investigation. OSHA will issue findings and an order on a complaint that becomes the final order of the Secretary if it is not appealed. After OSHA issues its findings and order, either party may request a full hearing before an administrative law judge of the Department of Labor. An administrative law judge's decision and order may be reviewed by the Department's Administrative Review Board.

Compensation

If a decision is made in your favor, you are entitled to the restoration of your job, earnings, and benefits. You also are entitled to compensatory damages and the costs and expenses (including attorney's and expert witness fees) reasonably incurred in connection with the filing of your complaint. If your complaint is found to be frivolous or brought in bad faith, you may be liable for attorney's fees up to \$1,000.

More Information

To get more information on whistleblower provisions of other laws, go to **www.osha.gov**, click on **W** in the site index, then click on **Whistleblowers**. OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through workplace consultation, voluntary protection programs, strategic partnerships, alliances, state plans, grants, training, and education. OSHA's ***Safety and Health Program Management Guidelines (54 Federal Register 3904-3916, 1/26/89)*** detail elements critical to the development of a successful safety and health management system. This and other information are available on OSHA's website.

- For one free copy of OSHA publications, send a self-addressed mailing label to OSHA

Publications Office, 200 Constitution Avenue NW, Room N-3101, Washington, DC 20210; or send a request to our fax at (202) 693-2498, or call us toll-free at (800) 321-OSHA.

- To order OSHA publications online, go to **www.osha.gov**, find **Newsroom** in the side bar on the right, click on **Publications**, and follow the instructions for ordering.
- To file a complaint by phone, report an emergency, or get OSHA advice, assistance, or products, contact your nearest OSHA office under the U.S. Department of Labor listing in your phone book, or call toll-free at **(800) 321-OSHA (6742)**. The teletypewriter (TTY) number is (877) 889-5627.
- To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website.

This is one in a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to ***Title 29 of the Code of Federal Regulations***. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999. See also OSHA's website at **www.osha.gov**.