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Federal Railroad Administration and OSHA Sign Agreement to Protect Railroad Workers from Retaliation

WASHINGTON – The U.S. Department of Transportation’s Federal Railroad Administration (FRA) and the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) today announced the signing of an agreement to improve coordination between the two agencies in enforcing the whistleblower provision of the Federal Railroad Safety Act (FRSA). The FRSA protects employees from retaliation when they report safety violations to the government or report work-related personal injuries or illnesses.

“Safety is our highest priority and this agreement is an important step in providing protections for those who report unsafe conditions,” said FRA Administrator Joseph Szabo. “Establishing a formal process for safeguarding the rights of employees who report safety violations is critical to maintaining workplace safety and fostering strong safety cultures.”

Under the agreement, FRA will refer railroad employees who complain of alleged discrimination to OSHA, and OSHA will share copies of the complaints it receives with FRA. OSHA will also share any findings and preliminary orders that OSHA issues. The agencies will work together to develop training for FRA on how to handle complaints of retaliation, and to assist OSHA enforcement staff in recognizing potential violations of railroad safety regulations revealed during whistleblower complaint investigations.

FRA and OSHA sent a joint letter to railroad and transportation associations expressing their commitment to work together to ensure that injury reporting is as accurate and consistent as possible. The letter highlights an increase in railroad injury/incident reporting in recent years and provides concrete ways that the associations’ member organizations can improve the safety of their workplaces and improve their compliance with federal regulations.

Between 2007 and 2012, OSHA received more than 900 whistleblower complaints under the FRSA. Almost 63 percent involved an allegation that a worker was retaliated against for reporting an on-the-job injury.

“The safety of railroad employees depends in part on workers’ ability to report injuries, incidents, and hazards without fear of retaliation,” said Assistant Secretary of Labor for OSHA Dr. David Michaels. “OSHA welcomes the opportunity to work more closely with FRA to protect these rights and make our nation’s railroads an even safer place to work.”

Rail safety regulations are developed and enforced by FRA in cooperation with rail stakeholders, including rail labor organizations. Through inspection, enforcement and education, FRA plays a key role in ensuring rail safety. While FRA has broad authority over rail safety, OSHA has responsibility for taking corrective actions for violations of the whistleblower provisions of the FRSA.

OSHA enforces the whistleblower provision of the FRSA as well as whistleblower provisions of 20 other statutes protecting employees who report violations of various securities, trucking, airline, nuclear, pipeline, environmental, public transportation, workplace safety and health, consumer product safety, health care reform and financial reform laws. Under these laws, employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the Secretary of Labor requesting an investigation by OSHA’s Office of Whistleblower Protection Program.

Detailed information on employee whistleblower rights, including fact sheets with information on how to file a complaint with OSHA, is available online at www.whistleblowers.gov.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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