

Time to Review Your Whistleblower Protection Policies OSHA Issues Draft Guidance on Anti-Retaliation Protection

Early 2016 will be an important time for employers to take a close look at their employee whistleblower and anti-retaliation programs and update their training and policies to implement the latest legal requirements. On November 6, 2015, the Occupational Safety and Health Administration (OSHA) issued for comments its draft guidance titled ["Protecting Whistleblowers: Recommended Practices for Employers for Preventing and Addressing Retaliation."](#)

The draft guidance is based on recommendations of the Whistleblower Protection Advisory Committee and is intended to help employers develop a program to protect employees from retaliation when they raise concerns about workplace conditions or activities that could harm workers or members of the public. OSHA's goal is to help employers create a non-retaliatory environment in the workplace and to provide practical guidance on protecting whistleblower rights for public, private and non-profit employers. The draft guidance contains sections on how to ensure leadership commitment, foster an anti-retaliation culture, respond to reports of retaliation, conduct anti-retaliation training, and monitor progress and program improvement.

The Occupational Safety and Health Act prohibits employers from retaliating against employees for exercising their rights under the Act. OSHA also enforces the

whistleblower protection provisions of 21 other statutes relating to asbestos in schools, cargo container safety, aviation safety, commercial motor carrier safety, consumer product safety, environmental protection, consumer financial protection, food safety, health insurance reform, motor vehicle safety, nuclear safety, pipeline safety, public transportation safety, railroad safety, maritime safety and securities laws. Accordingly, its guidelines will be essential to employers across the board.

OSHA is accepting comments until January 19, 2016. Employers can expect that OSHA will issue its final guidelines sometime in the second quarter of 2016. Employers should be prepared to review their own programs and policies, consider what changes are necessary in light of the new OSHA guidelines, and implement internal training at all levels to assure best practices are understood and applied.

To learn more about anti-retaliation laws and regulations and how to update your policies and training accordingly, please contact [Cheryl Tama Oblander](#) or the Aronberg Goldgehn employment law attorney with whom you normally consult.

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