

## BRIEFLY...

Highlights of Report Number **02-11-202-10-105**, to the Assistant Secretary for Occupational Safety and Health.

### WHY READ THE REPORT

OSHA is responsible for enforcing and administering the whistleblower protection provisions of 21 Federal statutes, including AIR21. The AIR21 statute protects employees of air carriers from retaliation for having disclosed information to their employer or to the government concerning “any violation or alleged violation of any order, regulation or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety...”

Effective administration of the whistleblower program is integral to OSHA’s core mission. If workers believe the system established by OSHA adequately protects them from retaliation, they will be more willing to report violations. Likewise, if employers believe they will suffer financial consequences for retaliating against whistleblowers, they will be less likely to do so.

### WHY OIG CONDUCTED THE AUDIT

The Honorable Edolphus Towns, then Chairman of the Committee on Oversight and Government Reform, requested that we conduct a review into allegations that OSHA “did not conduct a proper investigation and wrongfully dismissed a case or cases relating to Mr. Terry Wallum [complainant], a former employee of Bell Helicopter Textron (Bell-Textron), who allegedly was retaliated against by his employer for reporting a wide variety of wrongdoing, including reporting air safety violations under [AIR21].”

In order to address these concerns, we conducted an audit to answer the question: Did OSHA conduct proper investigations of the whistleblower complaints filed by the complainant?

### READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2011/02-11-202-10-105.pdf>.

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## WHISTLEBLOWER PROTECTION PROGRAM COMPLAINT

### WHAT OIG FOUND

OSHA did not conduct proper investigations of the whistleblower complaints filed by the complainant. As a result, it could not provide any assurance that the complainant was protected as intended under Federal whistleblower laws.

OSHA failed to establish a basis for conducting its investigations in that it did not adequately document a logical reason for employer coverage under AIR21 or document a specific activity that would have afforded the complainant protection under AIR21. Once OSHA proceeded with its field investigations, it did not follow its own policies and procedures. Moreover, it exceeded its authority by dismissing one complaint without conducting any sort of investigation.

These findings were consistent with our September 2010 report entitled, “Complainants Did Not Always Receive Appropriate Investigations Under the Whistleblower Protection Program,” which revealed pervasive and systemic weaknesses in the program.

### WHAT OIG RECOMMENDED

OSHA agreed with the recommendations we made in our prior report and is taking corrective actions. We also recommend the Assistant Secretary for Occupational Safety and Health implement controls to ensure that supervisors review all complaints for coverage and the presence of a *prima facie* allegation prior to beginning an investigation.

In response to our draft report, the Assistant Secretary for Occupational Safety and Health stated that OSHA is committed to improving the whistleblower protection program and intends to implement the recommendation by requiring supervisory review of complaints during the intake process. OSHA is also in the process of finalizing a top-to-bottom audit of the whistleblower program which it says will address the weaknesses and inefficiencies in the program and incorporate the results of our prior audit.