

# OSHA Releases “Recommended Practices for Anti-Retaliation Programs”

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Last week OSHA announced the release of its “Recommended Practices for Anti-Retaliations Programs.” The publication is “intended to assist employers in creating workplaces that are free of retaliation ... This document is advisory in nature and informational in content. It is not mandatory for employers, and does not interpret or create legal obligations.” Another caveat is that “This guidance is not intended to advise employees about their rights or protections under any whistleblower statute enforced by OSHA or any other government agency.”

OSHA’s Whistleblower Protection Program enforces the whistleblower provisions of 22 federal statutes protecting employees against retaliation for raising health, safety, and potential violation concerns. The recommendations are offered as a framework for employers to establish an anti-retaliation program.

The “Five Key Elements to an Effective Anti-Retaliation Program” are listed as:

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
5. Program oversight

Each of the five elements is addressed. Retaliation is explained and examples are given which range from firing an employee, to reassigning an employee to a less desirable position, or even ostracizing an employee. Steps are given on how to implement an anti-retaliation program, including the employer’s commitment and involvement from the CEO on down to the employee.

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