



EMPLOYMENT LAW ALERT

OSHA Ramps Up for COVID-19 Claims: What You Need to Know

HISTORY: In the early 19th century, the phrase whistle blower was synonymous with the title referee in a sporting event. However, after the phrase “blow the whistle” became a common reference for reporting a crime, “whistle blower” morphed into today’s term “whistleblower,” and referees had to settle for the name zebras, at least that name can be put in print, but that is a story for another day.

The well-known jailhouse maxim, “snitches get stitches” paints a vivid picture and lends clarity to the word “retaliation.” Retaliation by employers is of course illegal, and is actionable in the world of the Occupational Safety and Health Administration (OSHA). In other words, employers often face claims of retaliation from employees who have blown the whistle, when those employees believe that an adverse employment action has been taken against them because they snitched...I mean reported an alleged violation of the law to OSHA.

Foley & Foley, PC has the experience and will defend its clients against claims of retaliation by employees who have blown the whistle (a/k/a “whistleblower complaints”).

CLAIM: For employers, these cases begin with notice from OSHA that it is undertaking an investigation of a claim of alleged retaliation. This is the time to seek legal counsel. OSHA will demand a list of information and documents from the employer. Through the investigation, OSHA seeks to determine whether there is “reasonable cause” to believe a violation of the law has occurred. OSHA enforces more than twenty whistleblower protection laws, so there are many possible legal issues to consider when facing an investigation.

DEFENSE: Employers therefore need guidance and help in responding to an OSHA investigation. Providing too much information, or not enough, or the wrong information during the investigation can result in a negative decision. We help guide our clients through that investigation to improve the clients chances of receiving a favorable

decision from OSHA.

STANDARD: In the event that OSHA finds “reasonable cause” to believe a violation occurred, OSHA will seek to penalize the employer. We defend our clients against the implementation of the penalties.

WHY NOW? Given the recent **Guidance from OSHA concerning Covid19**, we anticipate an increase of claims from employees who report alleged unsafe Covid19-related conditions to OSHA. If your business is notified of a claim by OSHA, or receives a complaint direct from an employee, we can help.

508-548-4888

WWW.FOLEYLAWPRACTICE.COM

QUESTIONS@FOLEYLAWPRACTICE.COM