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OSHA To Establish Whistleblower Protection Advisory Committee

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On May 17, 2012, the U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") announced its intent to establish a Whistleblower Protection Advisory Committee ("WPAC"). The WPAC will aim to improve investigative and enforcement processes employed by OSHA. OSHA enforces the whistleblower provisions of twenty-one (21) federal statutes, which protect employees who report alleged violations of various laws, including the Occupational Safety and Health Act and the Sarbanes-Oxley Act of 2002.

According to the notice published in the Federal Register, "[t]he WPAC advises, consults with, and makes recommendations to the Secretary of Labor (Secretary) and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) on ways to improve the fairness, efficiency, effectiveness and transparency of OSHA's whistleblower protection activities." 77 Fed. Reg. 29368. In particular, the WPAC will make recommendations regarding the development and/or implementation of:

- Better customer service to both workers who raise complaints and employers who are the subject of investigations;
- Improvement in the investigative and enforcement process and the training of OSHA investigators;
- Improvement of regulations governing OSHA investigations;
- Cooperative activities with federal agencies responsible for areas also covered by the whistleblower protection statutes enforced by OSHA; and
- Other matters concerning the fairness, efficiency and transparency of OSHA's whistleblower investigations.

Id.

Once established, the WPAC will be bound by the Federal Advisory Committee Act, which requires public meetings. As the number of whistleblower claims continues to increase, employers and their counsel should take an active role in the public meetings to ensure that their interests are heard and considered.

Related People

Related Services

- Labor, Employment & Immigration
- Whistleblower Defense