

Whistleblower Act Review:

John, Jose and Damien were sandblasting a tank to remove old paint. They were wearing jeans, leather boots, t-shirt, gloves, hard hat and safety glasses. The sand bouncing back was really starting to bother Damien all over including his eyes. He said something to John about needing more protection, but John told him 'Man, the Boss will get mad. After a bit, he couldn't take it anymore and went to the boss, Mr. Peters. "Mr. Peter's this sand is really getting to me; is there anything we can do to give me more protection from this sand." Aww, it'll be alright, be a man, quit your griping!" So, Damien went back to work and tried a little longer. When it got lunchtime, he spoke up again, this time a little firmer and requesting some better PPE. His boss, Mr. Peters told him if he kept aggravating him he could get someone else to do the job.

What do you think of what you just read? Does this sound right? What can you do in this situation?

The next day, at work Mr. Peters came in and passed out Tyvek suits, rubber boots & sandblasting hoods to the crew, all the while making cutting remarks towards Damien.

At the end of the day, the crew normally would work together to clean up the mess and put things away. Today, was different, Mr. Peters told Damien, since he was 'so tender' that he had to go buy expensive gear, he would have to clean everything up himself, while the others took a break.

What do you think of what you just read? Does this sound right? What can you do in this situation?

Mr. Peters just broke the LAW, by retaliating against Damien for a safety correction – this goes against 'the Whistleblower Act.'

'You may file a complaint with OSHA if your employer retaliates against you by taking unfavorable personal action because you engaged in protected activity relating to workplace safety and health, commercial motor carrier safety, pipeline safety, air carrier safety, nuclear safety, the environment, asbestos in schools, corporate fraud, SEC rules or regulations, railroad carrier safety or security, or public transportation agency safety or security.'