

Whistleblower Protection for Pipeline Facility Workers

Owners and operators of pipeline facilities and their contractors and subcontractors are prohibited from retaliating against employees for reporting potential violations of federal law related to pipeline safety or engaging in other protected activities.

The *Pipeline Safety Improvement Act* (PSIA), 49 U.S.C. § 60129, provides retaliation protections for employees of pipeline owners and operators and employees of their contractors and subcontractors.

Covered Employees

Under PSIA, employees of owners and operators of pipeline facilities and employees of their contractors and subcontractors are protected from retaliation for engaging in protected activities.

Protected Activity

If your employer is covered under PSIA, it may not discharge you or in any other manner retaliate against you because you:

- Provided, caused to be provided, or are about to provide to the employer or the federal government information relating to any violation or alleged violation of federal pipeline safety law.
- Refused to engage in any practice made unlawful by federal pipeline safety law, if you have identified the alleged illegality to the employer.
- Provided, caused to be provided, or are about to provide testimony before Congress, or any federal or state proceeding regarding any provision (or proposed provision) of federal pipeline safety law.
- Commenced, caused to be commenced, or are about to commence a proceeding under federal pipeline safety law, or a proceeding for the administration or enforcement of any requirement imposed under federal pipeline safety law.
- Provided, caused to be provided, or are about to provide testimony in any proceeding described in the previous bullet.
- Assisted or participated or are about to assist or participate in any manner in such a proceeding in any other action to carry out the purposes of federal pipeline safety law.

What Is Retaliation?

Retaliation is an adverse action against an employee because of activity protected by PSIA. Retaliation can include several types of actions, such as:

- Firing or laying off
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failure to hire or rehire
- Intimidation or harassment
- Making threats
- Reassignment to a less desirable position or actions affecting promotion prospects
- Reducing pay or hours
- More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment)
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity)
- Reporting the employee to the police or immigration authorities

Deadline for Filing Complaints

Employees must file complaints within 180 days after learning of the adverse action.

How to File a PSIA Complaint

An employee, or their representative, can file a PSIA complaint with OSHA by visiting or calling their local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. No particular form is required and complaints may be submitted in any language.

Written complaints may be filed by fax, electronic communication, hand delivery during business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, fax, electronic communication, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed.

To file a complaint electronically, please visit www.osha.gov/whistleblower/WBComplaint.

To contact an OSHA area office, please call 1-800-321-OSHA (6742) to be connected to the closest area office. Or visit our website at www.osha.gov/contactus/bystate and click on your state to find your local OSHA office address and contact information.

When OSHA receives a complaint, the agency will first review it to determine whether certain basic requirements are met, such as whether the complaint was filed on time. If so, the agency will then investigate the complaint according to the procedures required by 29 CFR Part 1981.

Results of the Investigation

If the evidence supports an employee's complaint of retaliation and the employee and employer cannot reach a settlement, OSHA will issue an order requiring the employer to, as appropriate, put the employee back to work, pay lost wages, restore benefits, and provide other possible relief. The exact requirements will depend on the facts of the case. If the evidence does not support the employee's complaint, OSHA will dismiss the complaint.

After OSHA issues a decision, the employer and/or the employee may request a full hearing before an administrative law judge of the Department of Labor. The administrative

law judge's decision may be appealed to the Department's Administrative Review Board (ARB). The ARB's decision is subject to review by the Secretary of Labor, and a final decision may be appealed to a court of appeals. The employee may also file a complaint in federal court if the Department has not issued a final decision within 210 days of filing the complaint. 49 U.S.C. § 60129(b)(3)(D).

To Get Further Information

For a copy of the PSIA whistleblower provision, 49 U.S.C. § 60129, the regulations (29 CFR Part 1981), and other information, go to www.whistleblowers.gov.

OSHA's Whistleblower Protection Programs enforce the whistleblower provisions of more than twenty federal whistleblower laws. To learn more about the whistleblower statutes that OSHA enforces, view our "Whistleblowers Statutes Summary Chart" at www.whistleblowers.gov/whistleblower_acts-desk_reference.

For more information on the Office of Administrative Law Judges procedures and case law research materials, go to www.dol.gov/agencies/oalj/topics/information/Information_for_Whistleblowers.

To obtain more information about pipeline safety laws, please visit the Pipeline and Hazardous Materials Safety Administration's website at www.phmsa.dot.gov.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's workers by setting and enforcing standards, and providing training, education, and assistance. For more information, visit www.osha.gov.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: 1-877-889-5627.

