

Whistleblower Protection for Reporting Money Laundering

Whistleblowers are protected from retaliation for reporting potential money laundering violations to their employers or to the federal government.

On January 1, 2021, the Anti-Money Laundering Act (AMLA), was enacted, establishing protections against retaliation for reporting potential money laundering violations or engaging in related protected activities.

Covered Whistleblowers

Under the AMLA, whistleblowers are protected from retaliation for engaging in protected activity. Whistleblowers are defined as any individual, or two or more individuals acting jointly, who provides information relating to a covered violation to their employer (including as part of the job duties of the individual or individuals), or to the Secretary of the Treasury, or the Attorney General, or who engage in other protected activity under AMLA.

The AMLA whistleblower provision does not apply to any employer that is subject to section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) or section 213 or 214 of the Federal Credit Union Act (12 U.S.C. 1790b, 1790c).

Protected Activity

Whistleblowers are protected from retaliation for:

- Reporting potential violations of federal law relating to records and reports on monetary instruments (required pursuant to 31 U.S.C. 5311 et seq.) or relating to criminal money laundering and related financial crimes to:
 - the employer of the whistleblower(s),
 - the Treasury Department or the Department of Justice,
 - a federal regulatory or law enforcement agency, or
 - any member or committee of Congress;
- Initiating, testifying in, or assisting in any investigation or judicial or administrative action of the Department of the Treasury or the Department of Justice related to such violations.

What Is Retaliation?

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

- Firing or laying off
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing 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 individual of poor performance
- Blacklisting (intentionally interfering with an individual's ability to obtain future employment)
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the individual's protected activity)
- Reporting the individual to the police or immigration authorities

Deadline for Filing a Complaint

Whistleblowers must file complaints within 90 days after learning of the alleged adverse action.

How to File an AMLA Complaint

An individual, or their representative, can file an AMLA complaint with OSHA by visiting or calling their local OSHA office, sending a written complaint to the nearest 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, telephone call, hand delivery during business hours, U.S. mail (confirmation services recommended), or third-party commercial carrier.

The date of the postmark, fax, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing with 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. 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 1979, until OSHA promulgates procedures specific to AMLA.

Results of the Investigation

If the evidence supports an individual's claim of retaliation and the complainant and employer cannot reach a settlement, OSHA will issue an order requiring the employer as appropriate, to put the complainant back to work, pay two times the complainant's 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 complaint, OSHA will dismiss the complaint.

After OSHA issues a decision, the employer and/or the complainant 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 complainant may also file a complaint in federal court if the Department has not issued a final order within 180 days from the date the complaint was filed. See 31 U.S.C. § 5323(g)(2)(B).

To Get Further Information

For a copy of the AMLA whistleblower provision, 31 U.S.C. § 5323(a)(5),(g) & (j), 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 "Whistleblower Statutes Summary Chart" at www.whistleblowers.gov/whistleblower_acts-desk_reference.

For information on the Office of Administrative Law Judges procedures and case law research materials, go to www.oalj.dol.gov and click on the link for "Whistleblower."

For information about the laws and related requirements enforced by the Treasury, please visit the Treasury's website at: www.treasury.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 working people 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.

