Elements of a Whistleblower Complaint

OSHA investigates whistleblower complaints under 25 different statutes, all sharing four elements: protected activity, employer knowledge, adverse action, and a nexus:

NEXUS: The connection between the protected activity and adverse action.

PROTECTED ACTIVITY

Protected Activity refers to actions by an employee that are statutorily protected, such as: reporting a potential violation, hazard, or work-related injury or illness; cooperating with a government agency; filing a complaint; or refusing to perform unsafe or illegal work.

PROTECTED ACTIVITY

NEXUS

EMPLOYER

KNOWLEDGE

ADVERSE ACTION

ADVERSE ACTION

An <u>adverse action</u> is an employer's action that would discourage a reasonable employee from engaging in protected activity, including but not limited to: termination, lay off, demotion, overtime denial, discipline, reassignment, pay or hour reduction, and blacklisting.

EMPLOYER KNOWLEDGE

Employer knowledge exists when a person involved in or influencing the adverse action decision knows or suspects the employee engaged in protected activity, and in some cases, this can be inferred.



For more information about OSHA's Whistleblower Protection Program or to file a complaint, go to whistleblowers.gov