



OSHA Whistleblower Changes Could Spell More Safety Suits

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Ed Foulke offered insight to *Law360* article "OSHA Whistleblower Changes Could Spell More Safety Suits."

During a Senate Subcommittee on Employment and Workplace Safety hearing on April 29, Assistant Secretary of Labor David Michaels, who heads OSHA, laid out a series of proposals meant to bring the Occupational Safety and Health Act's whistleblower protections in line with more recent whistleblower statutes.

The OSH Act's whistleblower provisions haven't been altered since the law passed in 1970 and badly need updating, according to Michaels.

Among the proposals, Michaels said the OSH Act's whistleblower protections could be strengthened if OSHA had the authority to order "immediate preliminary reinstatement" of employees who may have been wrongly fired for reporting workplace safety issues. He also called for strengthening of the OSH Act's whistleblower protections, which would require congressional action to amend the law, according to the article.

Ed said that in his view, moving more of those types of cases into federal court would be less than desirable, since many workplace safety complaints are later determined to lack merit.

"I don't know if we want to load up the district court docket with lots of cases that are eventually going to be thrown out," Ed said.

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