



# OSHA Whistleblower Protections In Schools

Insights

7.02.12

Education Update (No. 3, July 2012)

The Labor Department recently strengthened its Occupational Safety and Health Act Whistleblower Program by dedicating additional funds to training its investigators, performing more thorough investigations, and reassigning responsibility for the Whistleblower Program directly to the Office of the Assistant Secretary of Labor for greater oversight of the program. Schools are covered by the OSH Act, and like most industries, should expect to see an increase in whistleblower claims under the newly-fortified program.

The DOL flexed its new muscles by taking legal action against a school for allegedly retaliating against an employee who reported safety and health concerns. The department sued Renaissance Arts and Education Inc., doing business as Manatee School for the Arts in Palmetto, Fla., seeking to reinstate a former worker with full back wages and benefits. The department's investigation found that the privately-run charter school had unlawfully and intentionally terminated the employee for reporting concerns regarding hazards in the school's two theaters.

The worker submitted a letter to his direct supervisor that addressed alleged safety hazards, specifically, improperly placed extension cords and a lack of sprinkler systems, but the school did not respond to the letter. Thereafter, the employee filed a complaint with OSHA reporting the same concerns. After OSHA communicated with the school, the employee disputed the school's response to the safety complaint; he was then notified that his position was being terminated. OSHA subsequently performed a safety inspection and cited the school for safety violations related to the employee's expressed concerns.

While educational institutions have not historically been a hotbed for OSHA issues, this recent case illustrates how whistleblowing for safety concerns has permeated the mainstream and is not limited to those industries with traditionally higher accident rates such as manufacturing and construction. Remember that the safety standards enforced under the Act apply to schools in the same way they apply to other industries, and that if an employee reports safety concerns or a violation of the standards, handling the situation in a non-retaliatory manner is essential.

The first line of defense to a whistleblowing claim for safety issues is to ensure that your school is safe and in compliance with the standards, including those requiring certain written plans, such as Hazard Communication and Emergency Action Plans. Where employees report potential safety

concerns, work with them to resolve the situation. If you are faced with a disciplinary situation related to safety issues, however, contact your Fisher Phillips attorney for guidance before taking any adverse action.

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