



# The Whistleblower Complaints and COVID-19 | How to Deal with the Increase of Liability

Event

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5.21.20

1-2 pm EDT

**Speaker:** [Ed Foulke](#), Partner, Fisher Phillips

COVID-19 pandemic has caused a tremendous impact on employment in the United States. As a result, there has been a significant number of employees laid off while employees who remain on the job have and are facing many novel safety and health issues. This has resulted in OSHA receiving an increase in a number of whistleblower complaints. History involving past major catastrophic events such as 9/11, resulted in a significant increase in whistleblower claims. Employers must prepare for more complaints and resulting whistleblower investigations by OSHA. This program will discuss how to properly and legally handle discipline and/or termination of an employee so not to be covered under any of the 23 whistleblower statutes overseen by OSHA. This webinar will examine what is “protected activity” and “adverse employment action”. It will discuss both the employee’s and employer’s burden of proof. The program will discuss how to properly handle a whistleblower investigation. Finally, the webinar will examine the potential remedies for whistleblower violations and settlement options.

## **Learning Objectives:**

- You will be able to recognize protective activity especially COVID-19 activity covered under various whistleblower statutes.
- You will be able to explain why actions taken by your company are not covered under federal whistleblower laws.
- You will be able to identify how to handle an OSHA whistleblower inspection and properly respond to OSHA investigators.
- You will be able to explain how employers’ response to COVID-19 employment actions as well as layoffs, discipline and/or any other terminations of employee was proper and neither discriminatory or retaliatory.

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