



INSIGHTS JANUARY 2012 - ENFORCEMENT

OSHA WHISTLEBLOWER CASES

OSHA has penalized a railroad and a trucking firm for allegedly retaliating against employees over safety issues, and has sued four other firms under the whistleblower statutes the agency enforces.

Union Pacific Railroad Co. was ordered to reinstate an employee who was allegedly terminated after reporting a work-related injury. The Omaha-based railroad was also directed to pay the employee more than \$300,000 in back wages and other compensation. In a news release last month, OSHA said the company had violated whistleblower protection provisions in four other cases since 2009.

Tennessee-based Heartland Transportation, Inc. was told to reinstate a driver who had been removed from the company's driving schedule after complaining about safety defects on trucks Heartland used to deliver mail for the U.S. Postal Service. Heartland also was told to pay the employee \$62,090 in damages plus more than two years of back wages and other charges.

Lawsuits alleging retaliation have been filed against Whole Foods Marketing Group, Inc. and RockTenn Corp., both in Florida, and Colorado-based Brighton Medical Clinic and Animals With Paws animal shelter. In all cases, an employee was fired for allegedly reporting safety concerns. In the RockTenn action, the alleged violative action occurred in 2009 when the employee was working for Smurfit-Stone Container Corp., which RockTenn purchased in May 2011.

Important Note: This document does not constitute legal advice and counsel should be consulted regarding specific factual situations which will determine the compliance advice applicable to any particular question regarding the subject matter. If you would like additional information or advice and counsel on training, compliance or audits, please let us know.
