



**Comments
Of
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OSHA Whistleblower Stakeholder Meeting

October 13, 2020

Thank you for the opportunity to speak today, my name is Steve Sallman, I am the assistant director of the United Steelworkers' Health, Safety and Environment Department. We express our sincere appreciation for the OSHA career staff and for all they are doing in these unprecedented times. Given the lack of leadership from the Trump Administration, your work is even more important.

Due to time limitations, I will not get into the general problems workers face around reporting of work-related injuries and illnesses, disciplinary measures with vague rules, incentive programs and drug testing that create what we call the "bloody pocket syndrome." Not to mention, the problems with the 30-day deadline to file an 11(c) complaint and OSHA administering more than 20 whistleblower statutes, with varying time limits for filing.

Instead, I'd like to start with OSHA's understaffing issues and this certainly applies to the staff who handle whistleblower cases as outlined in the recent Office of Inspector General's Report.

Whistleblower staff already had a heavy workload prior to the pandemic and now, like the pandemic, 11(c) complaints are out of control. The Trump Administration is not only failing in handling the pandemic, but also protecting workers who file complaints with OSHA.

Workers must to be able to report hazards and be involved in safety activities without putting their jobs at risk. While legal rights should, but often do not, protect workers refusing unsafe work, no one should have to choose between their job, their life or their family members' lives being at-risk of bringing the virus home from work. The meat packing industry is just one example.

On April 8, OSHA issued a News Release, “U.S. Department of Labor Reminds Employers That They Cannot Retaliate Against Workers Reporting Unsafe Conditions During Coronavirus Pandemic”, but it has done little to give workers any confidence that the agency is there to support them.

Employers know that there is only a small chance of being punished for breaking the law that protects whistleblowers. And even when employers are caught, the penalty is usually light.

I would strongly encourage everyone to go to the National Employment Law Project’s website at www.nelp.org to see their October 8, News Release, “OSHA Investigated, Resolved only 2% of COVID Retaliation Complaints” and report, “OSHA Must Protect COVID Whistleblowers Who File Retaliation Complaints.”

NELP analyzed OSHA’s public data showing 1,744 COVID-19 – related retaliation complaints filed by workers from April through August 9, and found:

- One in five complaints (348) were docketed for investigation.
- Only 2% of complaints (35) were resolved during that period.
- Most complaints, 54%, were dismissed or closed without investigation.

On October 12, The Huffington Post, posted on their web page, “Workers Tried to Blow the Whistle on COVID-19 Hazards. Then People Died”, by Dave Jamieson. A new analysis shows that a spike in complaints to OSHA precedes a spike in COVID deaths.

In closing, OSHA and the whistleblower protection programs are important, critical for workers, but OSHA needs staffed, an administration who is willing to support it, and the laws strengthened. Workers have a significant role in advocating for their own safety. The Occupational Safety & Health Act acknowledges this. OSHA must do its part to ensure safe workplaces, protect workers who raise safety concerns and for exercising

their rights as an employee under the whistleblower protection laws enforced by OSHA.
Thank you!

Related Links:

https://www.whistleblowers.gov/complaint_page

<https://www.oig.dol.gov/public/reports/oa/viewpdf.php?r=19-20-010-10-105&y=2020>

<https://www.dol.gov/newsroom/releases/osha/osha20200408>

<https://www.nelp.org/news-releases/osha-closed-half-worker-retaliation-complaints-pandemic-without-investigating/>

https://www.huffpost.com/entry/workers-blew-the-whistle-on-covid-hazards-then-people-died_n_5f80c1f8c5b62f97bac26e6e