



OSHA News Release

2009 - 02/18/2009 - U.S. Labor Department orders Union Pacific Railroad Co. to reassign worker to former position following whistleblower investigation

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OSHA Regional News Release

**U.S. Department of Labor
Office of Public Affairs**

Region 7

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U.S. Labor Department orders Union Pacific Railroad Co. to reassign worker to former position following whistleblower investigation

OMAHA, Neb. -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has ordered Union Pacific Railroad Co., headquartered in Omaha, to reassign a Beverly, Iowa, welder to his former position, reimburse the welder for travel expenses and pay compensatory damages associated with personal hardship following a whistleblower investigation.

OSHA investigated the employee's allegation that Union Pacific retaliated against him for requesting a lookout while performing work on adjacent railroad tracks and asking for tools to make the field weld process safer.

The investigation found that the track maintenance manager illegally abolished the welder position in Beverly, forcing the worker to accept a welding position in Marshalltown, Iowa, which increased his daily commute by 131 miles and took him away from his family for extended periods of time.

"A supervisor does not have the right to abolish a job position because he becomes annoyed by a worker voicing safety concerns," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "While OSHA is best known for ensuring the safety and health of employees, it is also a federal government whistleblower protection agency."

The railroad carrier was further ordered to provide whistleblower rights information to its employees. Either party in the case can file an appeal to the Labor Department's Office of Administrative Law Judges.

OSHA conducted the investigation under the whistleblower provisions of the Federal Rail Safety Act (FRSA) as amended by the 9/11 Act of 2007. Railroad carriers are subject to the provisions of the FRSA, which protects employees who report violations of any federal law, rule or regulation relating to railroad safety or security or who engage in other activities protected by the act.


OSHA enforces the whistleblower provisions of the FRSA and 16 other laws protecting employees who report violations of various securities laws; trucking, airline, nuclear power, pipeline, environmental, rail, workplace safety and health regulations; and consumer product safety laws. Detailed information on employee whistleblower rights, including fact sheets, is available online at: <http://www.osha.gov/dep/oia/whistleblower/index.html>.

Under the various whistleblower provisions enacted by Congress, employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor for an investigation by OSHA's Whistleblower Protection Program. For more information, visit www.osha.gov.

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Note: The Labor Department does not release names of employees involved in whistleblower complaints.

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