**SCENARIO**

*Recommended Practices for Anti-Retaliation Programs*

Alicia Olmedo worked for Poppy Corn, a craft popcorn manufacturer, as a production worker from January 11, 2011 until May 2, 2013. Sometime in March of 2013, Ms. Olmedo began working with a pickle spice seasoning. From April 8 – 22, 2013, Ms. Olmedo repeatedly raised concerns to her supervisor about working with the pickle spice compound, including reporting headaches, nosebleeds and rashes. She also asked to review the safety data sheets. On April 24, 2013, a frustrated plant manager for Poppy Corn assaulted Ms. Olmedo after she complained. The plant manager also informed Alicia and other employees that she no longer wanted to hear complaints about the pickle spice compound. The Plant Manager fired Complainant on May 2, 2013, by telephone. This company did not have a formal complaint process.

**Question 1**: Did Alicia Olmedo raise a concern that was protected by any law administered by OSHA’s Whistleblower Protection Program?

Answer: Yes. Section 11(c) of the OSH Act allows employees to raise safety and health concerns without fear of retaliation. Alicia engaged in protected activity when she reported her health concerns and asked to review the safety data sheet for the pickle spice compound.

**Question 2:** Did anyone at Alicia’s worksite retaliate against her? If yes, name the retaliatory action.

Answer: Yes, the plant manager fired Alicia after she complained about health issues associated with workplace exposure to the spice compound.

**Question 3:** Do you think this company had a culture that valued employees’ concerns?

Answer: Probably not, since the plant manager’s actions of assault followed by termination of Alicia appeared to be retaliatory in nature for this employee raising safety and health concerns to management.

**Question 4:** If this company wanted to create an environment where retaliation is not tolerated, what can they do?

Possible Answers:

* Develop and implement an anti-retaliation program and make sure all managers demonstrate a firm commitment to these efforts. In addition to leadership and commitment, managers must be held accountable for preventing retaliation in the workplace.
* Create a system for listening to and resolving employees’ safety and compliance concerns. This includes establishing multiple channels for employees to report concerns while protecting the confidentiality and anonymity of the employee.
* Create a system for receiving and responding to employees’ reports of retaliation. Managers must demonstrate that they take all reports of retaliation seriously.
* Provide effective anti-retaliation training to employees and all levels of management; emphasizing to managers various techniques on how to diffuse situations and appropriately respond to reports of workplace concerns.
* Maintain rigorous oversight of the anti-retaliation program to be sure it is working as intended.