



BRIEFLY...

COVID-19: OSHA NEEDS TO IMPROVE ITS HANDLING OF WHISTLEBLOWER COMPLAINTS DURING THE PANDEMIC

August 14, 2020

WHY OIG CONDUCTED THE AUDIT

The COVID-19 pandemic has raised concerns about the safety and health of workers, and the protections afforded to workers who report potential workplace safety violations, including those violations involving social distancing and personal protective equipment.

The Occupational Safety and Health Administration's (OSHA) Whistleblower Program enforces 23 statutes that prohibit employers from retaliating against employees when they report employer violations of various workplace safety, consumer product, environmental, financial reform, and securities laws. This is important because if OSHA finds merit to an employee's allegations, the employee may be entitled to reinstatement, back pay, restored benefits, or other remedies.

WHAT OIG DID

As part of Phase 1 of the OIG's Pandemic Oversight Response Plan, we conducted this audit to answer the following question:

What impact have COVID-19 whistleblower complaints had on OSHA, and how has OSHA addressed COVID-19 whistleblower complaints?

To answer this question, we conducted interviews, reviewed internal notifications, and analyzed whistleblower complaint data.

WHAT OIG FOUND

We found the pandemic has significantly increased the number of whistleblower complaints OSHA has been receiving. OSHA was challenged to complete investigations in a timely manner before the pandemic, and the potential exists for even greater delays now.

While the pandemic has increased significantly the number of whistleblower complaints OSHA has received, the Whistleblower Program's full time employment has decreased. According to investigators we interviewed, no more than 20 open investigations at once would be the optimal caseload per investigator. Depending on the region, investigators reported the number of open investigations ranged from 15 to 40 in 2019, but 19 to 45 in 2020. Consequently, the potential exists for even greater delays in closing investigations.

Amid this challenge, OSHA needs to improve its handling of whistleblower complaints. When OSHA fails to respond in a timely manner, it could leave workers to suffer emotionally and financially, and may also lead to the erosion of key evidence and witnesses.

Prior to the pandemic, OSHA began a triage pilot intended to expedite the complaint screening process and also reassigned older complaints from regions with large backlogs to regions with lesser backlogs. However, OSHA had not utilized a similar approach during the pandemic to more evenly distribute whistleblower complaints.

WHAT OIG RECOMMENDED

We made recommendations to OSHA regarding staff vacancies, continued assessment of the Region II triage pilot, and development of a caseload management plan to evenly distribute whistleblower complaints among investigators.

OSHA agreed with our recommendations.

READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2020/19-20-010-10-105.pdf>