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News Release

OSHA News Release: [02/11/2010]

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Release Number: 10-0157-KAN

Illinois-based railroads ordered by US Department of Labor to compensate employee fired for reporting work-related injury

KANSAS CITY, Mo. — The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has ordered the Illinois Central Railroad Co. and the Chicago, Central & Pacific Railroad, both headquartered in Homewood, Ill., to pay a former railroad employee more than \$80,000 in back wages, compensatory damages and attorney's fees.

OSHA investigated the employee's allegation that the railroads terminated his employment in retaliation for reporting a work-related injury he sustained while performing his job. OSHA's investigation found that officials from both railroads ordered an investigation into the cause of the employee's injury, which ultimately resulted in their decision to terminate his employment. The evidence showed that the employee was in compliance with the railroads' rules governing the reporting of work-related injuries and not at fault for his injury.'

"An employer does not have the right to retaliate against its employees who report work-related injuries," said Charles E. Adkins, OSHA's regional administrator in Kansas City. "While OSHA is best known for ensuring the safety and health of employees, it is also a federal government whistleblower protection agency."

As a result of the investigation, OSHA ordered the railroads to pay the employee a total of \$80,453 that includes \$57,587 in back wages and interest, \$10,000 in compensatory damages and \$12,866 in attorney's fees. The railroad carriers further were ordered to provide whistleblower rights information to their employees. Either party in the case can file an appeal with the U.S. 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 in 2007 by the "Implementing Recommendations of the 9/11 Commission Act." 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.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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