

Smith, Meghan P. - OSHA

From: Paul Lyons
Sent: Saturday, January 16, 2016 12:17 PM
To: OSHA.DWPP
Subject: Re: Comment on OSHA-2015-0025

I'm writing to urge you not to approve "Protecting Whistleblowers: Recommended Practices for Employers for Preventing and Addressing Retaliation."

The document expresses a strong preference for internal reporting over reporting to the government. This policy hinders the government's ability to detect fraud and misconduct, and protect the best interests of the American people. The document says nothing about informing employees of their right to report misconduct directly to law enforcement officials, without telling the company first. Furthermore, the internal reporting that this document advocates leaves whistleblowers vulnerable to retaliation without legal protection, as many courts have decided that internal disclosures do not constitute protected activity.

Publishing this guidance would place whistleblowers in harm's way. It undermines public policy that corporate criminal activity should be reported directly to law enforcement as soon as possible, and it undermines the interests of the American people.

The National Whistleblower Center submitted a comment to OSHA that lays out these concerns in detail. Please review the NWC's comment carefully and consider these concerns when writing new documents instructing companies on whistleblower policy best practices.

We urge you to withdraw "Protecting Whistleblowers: Recommended Practices for Employers for Preventing and Addressing Retaliation" immediately.

Paul Lyons