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Retaliation and Whistleblower Complaints with the EEOC, OSHA, and MSHA [Webinar Recording]

On Tuesday, October 1, 2024, the attorneys in Conn Maciel Carey LLP's [Labor • Employment](#) and [OSHA/MSHA • Workplace Safety](#) Groups presented a webinar about [Addressing Employee Complaints: Retaliation and Whistleblower Complaints with the EEOC, OSHA, and MSHA](#).

Over the past several years, employers have seen a significant uptick in retaliation claims filed by employees and investigated by federal agencies. For example, in 2010, only approx. 30% of all charges filed with the EEOC included a retaliation claim, but that number shot up to over 50% in FY 2022. Similarly, the number of total whistleblower complaints filed with OSHA increased significantly in FY 2023, with the vast majority of those complaints – about 71% – filed under



Sec. 11(c) of the OSH Act (retaliation based on protected safety acts). The whistleblower complaints filed under Section 105 of the Mine Safety and Health Act have also been on the rise and MSHA is particularly aggressive in its approach to the investigation of these claims, often seeking temporary reinstatement of the complainant for the duration of the investigation, and litigation, if the complainant was terminated.

When a retaliation or whistleblower complaint is received, employers have a chance to explain why the complaint should be dismissed. However, each Agency handles the investigation and analysis of the evidence differently – using varying processes and burdens of proof to determine whether and how the retaliation complaint should proceed. The strategy and response provided by the employer will depend on the type of complaint and the agency investigating it, but it is generally an opportunity for the employer to provide the information necessary for the agency to conclude its investigation and ultimately close the case file. The responses can, however, create a written record of admissions that the agency could use against the employer.

Participants in this webinar learned about:

- Applicable federal whistleblower and anti-retaliation laws
- The varying processes used by the EEOC, OSHA, and MSHA to evaluate whistleblower and retaliation claims
- Strategies to effectively respond to retaliation complaints
- Proactive measures employers can take to avoid employee complaints

We are pleased to share these links to [a copy of the slides](#) and a [recording of the webinar](#).

This program has been approved by SHRM for 1 hour of HR professional development credit. This program has also been approved for 1 (HR (General)) recertification credit hour toward aPHR™, aPHRI™, PHR®, PHRca®, SPHR®, GPHR®, PHRI™ and SPHRI™ recertification through the HR Certification Institute.

This was the 7th webinar event in Conn Maciel Carey LLP's [2024 Labor and Employment Webinar Series](#).

If you would like to register for the entire Labor and Employment webinar series, [click here to send us an email request](#), and we will register you. If you missed any of our past webinars in our annual Labor and Employment Webinar Series, view our [Labor and Employment Webinar Library](#) to access all of our webinar recordings. Also, [click here to subscribe to our YouTube channel](#) and get an email notification when new recordings become available.