

# New Whistleblower Protection Law For Railroad Employees

In recognition of widespread problems in the railroad industry, Congress amended the Federal Rail Safety Act ("FRSA") to provide important new rights and remedies for the protection of railroad employees. Congress amended the FRSA to extend whistleblower protection to railroad employees.

**This new Federal law prohibits railroads from disciplining or retaliating against railroad employees who:**

- *Seek prompt medical attention for on-the-job injuries; or*
- *Provide information about injuries or safety issues.*

Under the FRSA Whistleblower provision, railroads are prohibited from denying, delaying or interfering with your right to receive medical or first aid treatment after you have been injured at work. This law requires railroads to promptly arrange to have an injured employee to the nearest hospital where the employee can receive safe and appropriate medical care. The FRA Whistleblower provision also makes it illegal for a railroad to discipline or threaten discipline to an employee who requests medical or first aid treatment for an on-the-job injury.

The FRSA Whistleblower provision also makes it illegal for a railroad to discipline or retaliate against you in any manner because you provided information about an alleged violation of federal laws and regulations related to railroad safety and security, or about gross fraud, waste or abuse of funds intended for railroad safety or security. In addition, employees of railroad carriers are protected from retaliation for reporting hazardous safety or security conditions, refusing to work under certain conditions, or refusing to authorize the use of any safety- or security-related equipment, track or structures.

Congress assigned enforcement of this new Whistleblower law to the U.S. Occupational Safety and Health Administration, commonly known as OSHA. OSHA has the responsibility to investigate complaints about alleged violations of these Whistleblower protections for railroad employees. If OSHA finds that a railroad has violated any of these Whistleblower protections, OSHA can order the railroad to: provisions of the FRSA and, if it finds a violation has occurred, can order the violating railroad to:

- Reinstatement you with the same seniority and benefits;
- Pay you back pay with interest;
- Pay you compensatory damages, including compensation for special damages, expert witness fees, and reasonable attorney's fees; and/or
- Award you punitive damages up to \$250,000 in certain cases.

**You must act promptly in order to protect your Whistleblower rights. Under the FRSA, you only have 180 days from the date on which the railroad violated the law to file a claim with OSHA. Failure to file a claim with OSHA within that 180 period will bar your claim forever.**

If you have any questions about these new Whistleblower protections, or believe that you or a co-worker might have a Whistleblower claim, **DO NOT DELAY**. Call the lawyers at the Bremseth Law Firm immediately at **1-800-545-3733** or visit [www.bremseth.com](http://www.bremseth.com) to get answers to your questions.