



# HILDEBRAND McLEOD & NELSON LLC

Representing Injured Railroad Employees Since 1926

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## WHISTLEBLOWER VIOLATIONS

### WHAT ARE WHISTLEBLOWER VIOLATIONS?

Pursuant to 49 U.S.C. Section 20109, the railroad commits a whistleblower violation when it engages in any **adverse action** against a railroad worker because that worker performed a **protected activity**.

#### Common Protected Activities:

- Notifying the railroad of **work-related injuries and medical conditions**
- Reporting **hazardous safety or security conditions**
- Accurately reporting **hours of service**
- **Filing or assisting with an OSHA Complaint**
- The railroad **cannot delay, deny, or interfere** with your **medical treatment**

#### Common Adverse Actions :

- Discipline
- Firing
- Harassment
- Probation or adverse “points” assessments
- Retaliation
- Intimidation
- Threats
- Reduced pay, hours, or choice of jobs
- Blacklisting

#### Examples of Potential Violations:

- 1) Termination, discipline, or harassment for reporting an on-duty injury or hazardous safety condition
- 2) Delaying or denying an employee’s request for hospital or medical care
- 3) Railroad nurse or railroad doctor interfering with or delaying medical care
- 4) Intimidation/Harassment: Threatening investigation or discipline if an injury is reported

### HOW TO PROTECT YOURSELF

#### 1) Ask questions and get advice before and after reporting an injury

- Contact your union reps and experienced attorneys at Hildebrand McLeod & Nelson LLP

#### 2) Explicitly request medical treatment

- Your **maximum protection** is when you **request hospital/ER** care immediately after an injury
- If you ask for the **hospital**, the railroad **must** promptly arrange transport to the **nearest hospital**
- With or without a request, the railroad still cannot delay, deny, or interfere with your treatment

#### 3) Keep detailed notes

- Write down all key events, dates, times, witnesses, and conversations with railroad managers

#### 4) Timely file a whistleblower complaint with OSHA

- **Timing: You must file your complaint no later than 180 days after an adverse action**
- Potential remedies: Punitive damages up to \$250,000, back pay and other economic damages, emotional damages, reinstatement and clearing of personnel record, attorney fees, and other relief afforded by the law