

Government Accountability Project

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GAP PRAISES HOUSE VOTE TO PROTECT OIL SPILL WHISTLEBLOWERS

Calls for equal rights to protect government workers who enforce the law

July 30. The Government Accountability Project (GAP) today praised the House of Representatives for 315-93 passage of HR 5851, the Oil and Gas Worker Whistleblower Protection Act. In direct response to the Gulf oil spill, The legislation provides best practice whistleblower rights to protect corporate employees who challenge violations of the Outer Continental Shelf Lands Act (OCSLA) (43 USC 1301 *et seq.*) The legislation's passage was enabled by unqualified, enthusiastic support from the Administration in a Statement of Administration Policy (SAP) [ADD LINK](#) GAP legal director Tom Devine commented, "This is leadership by the House and the President that can make a real difference preventing renewed Gulf oil spills. None of the post disasters reforms can work unless corporate workers who serve as the eyes and ears for law enforcement and public oversight can defend themselves when they defend the oceans."

The legislation's provisions would –

- Outlaw discrimination against workers who challenge violations of OCSLA or occupational safety laws, and who refuse to violate those laws or perform duties that could "cause an oil spill to the environment"
- Provide due process rights when complaints of violations are filed with the Secretary of Labor, including access to a jury trial if there is not a timely ruling.
- Provide remedies for victorious whistleblowers of reinstatement, back pay, and compensatory and consequential damages.
- Require employers to post a notice that explains employee rights and remedies under this Act, and provide training to the employees of these rights; and
- Establish the law's supremacy over any conflicting corporate gag orders or cancelation of due process rights imposed on workers as a job prerequisite.

The bill should not be controversial in the Senate. It reflects best practices Congress has approved ten times since 2002. It is consistent with precedents during that time for workers in industries including – defense contracts, financial, health care, mass transit, nuclear power and weapons, publicly traded corporations, railroad, retail sales and manufacturing, trucking and cross country buses, and all recipients of stimulus funds. All were passed unanimously. HR 5851 does not go beyond those boundaries.

But analogous legislation providing weaker rights for government workers is still stalled after ten years. Devine observed, "There is no excuse for Congress routinely to protect employees at companies that must obey the law, but deny equal rights for government workers who must enforce it."