

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Tuesday, May 15, 2007
Press Office, 202-226-0853

**Chairwoman Woolsey Statement at Subcommittee Hearing On
“Private Sector Whistleblowers: Are There Sufficient Legal
Protections?”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Lynn Woolsey(D-CA), chairwoman of the Subcommittee on Workforce Protections, for a committee hearing on “Private Sector Whistleblowers: Are There Sufficient Legal Protections?”*

I want to thank all our witnesses for coming today to testify on whether current legal protections are sufficient to protect whistleblowers, especially those laws that are administered by the Department of Labor.

And I want to especially thank both Dr. Wigand and Mr. Simon for appearing here today to tell their stories. Being a whistleblower is very difficult, and I know your lives have changed in ways you could never have imagined when you first made your decision to come forward.

Today, you are among friends. This week is Whistleblowers’ Week.

We want to celebrate your actions and praise the substantial public service you have provided---all at considerable sacrifice to yourselves and your families.

We also want to learn from you because you know far better than we do what additional protections are needed so that people like yourselves will be encouraged to report illegalities, safety and health violations; and fraud and abuse when necessary.

The idea for this hearing was generated by a Full Committee hearing held on the Sago Mine Disaster on March 28, 2007.

At that hearing, we heard testimony about the blacklisting faced by miners who speak up about safety or health risks in the mines. This is true even though they should be protected by MSHA (the Mine Safety and Health Act) if they came forward.

But as our witnesses today will illustrate, miners are not alone in having to deal with such problems.

Over the years, Congress has indicated its clear intent to protect whistleblowers by passing over 30 statutes prohibiting retaliation against employees who report on a myriad of problems, from environmental spills to health and safety violations to corporate fraud.

However, while the laws may have made some things better, they have not eliminated intimidation, harassment, blacklisting and other forms of retaliation.

And often, the laws themselves are inconsistent and certainly not always user friendly.

Let me give you one example. Mr. Fairfax's office at OSHA administers 14 whistleblower provisions. Under these laws, complainants have either 30, 60, 90 or 180 days to file their claim depending on the statute they are filing under.

These statutes of limitations are very short and sometimes create insurmountable hurdles, especially for someone who has just been demoted or fired from a job---not for performance---but because he or she may have complained about an unsafe condition at work.

It is as though in legislating, we may have created protections or the expectation of protection without ensuring that they are accessible.

Today, we will explore the issues and at least begin to answer some important questions.

Do we need to expand the laws to cover employees currently not covered?

Are there procedural and other hurdles in the law that we need to change so complainants can successfully bring their claims forward?

And do we need to look more closely at how these laws are being administered, including OSHA's Department of Enforcement need for more resources in order to process whistleblower claims in a timely manner?

I am looking forward to everyone's testimony,

With that, I defer to Ranking Member Joe Wilson for his opening statement.

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