

This is an excerpt from the NRC Enforcement Manual on the subject of discrimination.

7.7 Discrimination for Engaging in Protected Activities

The NRC places a high value on nuclear industry employees being free to raise potential safety concerns, regardless of the merits of the concern, to both licensee management and the NRC. Therefore, one of the goals of the NRC's Enforcement Policy is to ensure, through appropriate enforcement action against a licensee or licensee contractor (and when warranted, against the individual personally responsible for the act of discrimination), that employment actions taken against licensee or contractor employees for raising safety concerns do not have a chilling effect on the individual or others on the reporting of safety concerns.¹ For purposes of this guidance, discrimination should be broadly defined and should include intimidation or harassment that could lead a person to reasonably expect that, if he or she makes allegations about what he or she believes are unsafe conditions, the compensation, terms, conditions, and privileges of employment could be affected.

Section 211 (formerly 210) of the ERA provides that no employer may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee engaged in certain protected activities. These protected activities include notifying an employer of an alleged violation of the AEA or ERA, refusing to engage in any practice made unlawful by those acts, testifying before Congress or in a Federal or State proceeding regarding any provision of these acts, or commencing, testifying, assisting, or participating in a proceeding under these acts. NRC regulations that are related to the protection of whistle blowers include: 10 CFR 19.20, 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, 72.10, and 76.7. In addition, 10 CFR Part 50, Appendix B, Criterion I provides that persons and organiz

¹ Although licensees will be held responsible in enforcement actions for the discriminatory actions of their contractors, they are not required to specifically report allegations of harassment, intimidation, or discrimination.