

Sent: Thursday, September 2, 2021 10:42:20 AM

Good Morning,

The Occupational Safety and Health Administration (OSHA) is amending one of the rules interpreting the anti-retaliation provision of the Occupational Safety and Health Act of 1970 (OSH Act or Act) to clarify that the test for showing a nexus between protected activity and adverse action is “but-for” causation. OSHA is revising the interpretive rule at 29 CFR 1977.6(b), which addresses causation under the anti-retaliation (colloquially “whistleblower”) provision of the OSH Act, section 11(c), 29 U.S.C. 660(c). For the reasons explained in the notice, the agency is removing outdated language to clarify that the only means by which the Secretary of Labor (Secretary) may prove a causal connection between protected activity and adverse action under the OSH Act is to show that “but for” the protected activity the employee would not have suffered the adverse action. The Final Interpretive Rule is available for public inspection here and will publish on Friday, September 3, 2021.

Please share this information with your members and stakeholders, as appropriate.

Arlene Williams
Directorate of Cooperative and State Programs



[Federal Register :: Public Inspection: Discrimination against Employees Exercising Rights under the Williams-Steiger Occupational Safety and Health Act](#)