§ 1977.1 Introductory statement.

1977.1  Introductory statement.
1977.2  Purpose of this part.
1977.3  General requirements of section 11(c) of the Act.
1977.4  Persons prohibited from discriminating.
1977.5  Persons protected by section 11(c).
1977.6  Unprotected activities distinguished.

SPECIFIC PROTECTIONS

1977.9  Complaints under or related to the Act.
1977.10  Proceedings under or related to the Act.
1977.11  Testimony.
1977.12  Exercise of any right afforded by the Act.

PROCEDURES

1977.15  Filing of complaint for discrimination.
1977.16  Notification of Secretary of Labor's determination.
1977.17  Withdrawal of complaint.
1977.18  Arbitration or other agency proceedings.

SOME SPECIFIC SUBJECTS

1977.22  Employee refusal to comply with safety rules.
1977.23  State plans.


SOURCE: 38 FR 2681, Jan. 29, 1973, unless otherwise noted.

GENERAL

§ 1977.1 Introductory statement.

(a) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), hereinafter referred to as the Act, is a Federal statute of general application designed to regulate employment conditions relating to occupational safety and health and to achieve safer and healthier workplaces throughout the Nation. By terms of the Act, every person engaged in a business affecting commerce who has employees...
§ 1977.2 Purpose of this part.

The purpose of this part is to make available in one place interpretations of the various provisions of section 11(c) of the Act which will guide the Secretary of Labor in the performance of his duties thereunder unless and until otherwise directed by authoritative decisions of the courts, or concluding, upon reexamination of an interpretation, that it is incorrect.

§ 1977.3 General requirements of section 11(c) of the Act.

Section 11(c) provides in general that no person shall discharge or in any manner discriminate against any employee because the employee has:

(a) Filed any complaint under or related to the Act;
(b) Instituted or caused to be instituted any proceeding under or related to the Act;
(c) Testified or is about to testify in any proceeding under the Act or related to the Act;
(d) Exercised on his own behalf or on behalf of others any right afforded by the Act.

Any employee who believes that he has been discriminated against in violation of section 11(c) of the Act may, within 30 days after such violation occurs, lodge a complaint with the Secretary of Labor alleging such violation. The Secretary shall then cause appropriate investigation to be made. If, as a result of such investigation, the Secretary determines that the provisions of section 11(c) have been violated civil action may be instituted in any appropriate United States district court, to restrain violations of section 11(c)(1) and to obtain other appropriate relief, including rehiring or reinstatement of the employee to his former position with back pay. Section 11(c) further provides for notification of complainants by the Secretary of determinations made pursuant to their complaints.

§ 1977.4 Persons prohibited from discriminating.

Section 11(c) specifically states that "no person shall discharge or in any manner discriminate against any employee" because the employee has exercised rights under the Act. Section 3(4) of the Act defines "person" as "one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any group of persons."

Consequently, the prohibitions of section 11(c) are not limited to actions taken by employers against their own employees. A person may be chargeable with discriminatory action against an employee of another person. Section 11(c) would extend to such entities as organizations representing