



Got sick/injured at work and discriminated against? File an anti-discrimination or whistleblower complaint with OSHA/FAA

As a flight attendant, you can file a complaint if you were disciplined in certain ways as the result of reporting (or planning to report) an unsafe or unhealthy working condition to your airline or to the government. This bulletin explains the difference between filing a complaint with OSHA versus the FAA. For example, after breathing oil fumes onboard, some people feel unfit to fly and need medical attention. But when they report that they were in a fume event and need to go to urgent care instead of their layover hotel or their next flight, they may face discipline. Maybe they don't get paid for the rest of their trip. Or maybe they get points for being "sick-on-line." Both of these responses may be forms of retaliation. There have been documented instances where flight attendants who went through that established that employer retaliation took place.

Option 1: File 11(c) anti-discrimination complaint with OSHA

Section 11(c) of the Occupational Safety and Health Act **prohibits discrimination against employees who report a violation of an OSHA standard**. For example, if someone got sick from breathing fumes onboard and were too sick to work the rest of your trip (or subsequent trips), then their airline may code the absences as "sick-on-line." As a result, the injury isn't listed on the OSHA 200 Log, as required by OSHA's Recordkeeping Rule. Because the airline violated OSHA's Recordkeeping Rule, the worker could file an "11(c)" complaint with the state or regional OSHA office, either where they are based or (more typically) where their airline is headquartered. **This type of complaint to OSHA must be filed within 30 days of the employee learning about the alleged retaliation.** The best way to file is to go online: <https://www.osha.gov/whistleblower/WBComplaint>.

Option 2: File whistleblower complaint under AIR21 to either FAA or OSHA

For airline workers, OSHA enforces a whistleblower statute which is commonly known as [AIR21](#). OSHA and FAA work together to process these claims. AIR 21 **prohibits discrimination or retaliation against airline industry workers who report an air safety hazard or a violation of an FAA standard**. For example, if someone got sick onboard from breathing fumes, then safety would be compromised if they continued to fly while sick. They could feel pressured to keep flying, though, if they know (or are explicitly told) that the company practice is to assign disciplinary points for not reporting to work. In a case like this, working while ill is both discrimination and a safety hazard. It would be appropriate to file an AIR 21 complaint directly with the FAA (<https://faa-aae.my.site.com/s/air21>). You can also file an AIR 21 complaint with OSHA (same website as above); OSHA will work with the FAA to process it. **The type of complaint must be filed with FAA or OSHA within 90 days of the employee learning about the alleged retaliation.**

Which type of complaint should you file?

You may be asking yourself which option to pursue – an 11(c) claim with OSHA or an AIR21 claim with the FAA/OSHA? We suggest that you file one or the other, not both. Consider **the type of complaint** – was an OSHA standard violated or not? Also, pay attention to **how much time has passed** since you were discriminated against: If you are within 30 days of the alleged violation then you could choose to file either (depending on the circumstances); however, if you are between 31 and 90 days, your only option is the AIR21 claim. If you are later than 90 days, then you can't file either. Finally, reports may be made in writing or by phone, but filing a written report is highly recommended so that there is a paper trail.