

**Occupational Safety and Health Administration**



# OSHA News Release – Region 10

U.S. Department of Labor

July 16, 2024

## Department of Labor obtains landmark federal court injunction protecting employees who report workplace injuries from employer retaliation

*Tacoma court requires USPS to end unlawful terminations of probationary employees*

**SEATTLE** – The U.S. Department of Labor has obtained a consent judgement from the U.S. District Court for the Western District of Washington in Tacoma that includes a landmark injunction that permanently prevents the U.S. Postal Service from retaliating against employees at up to 59 locations in the State of Washington.

Issued July 3, 2024, the consent judgment follows an investigation by the department's Occupational Safety and Health Administration which found that the USPS had again violated the provision in the Occupational Safety and Health Act that protects employees against retaliation for reporting workplace injuries.

After three separate investigations, OSHA concluded the USPS improperly fired three probationary workers in East Vancouver, Seattle and Tacoma after they reported workplace injuries. In turn, the department's Office of the Solicitor filed suit against the agency, alleging violations of the OSH Act's anti-retaliation provision.

"By issuing the broadest permanent anti-retaliation injunction to date, the U.S. District Court has recognized the U.S. Postal Service's pattern of ignoring its own policies and unlawfully firing probationary workers who report injuries," explained Regional Solicitor of Labor Marc Pilotin in

San Francisco. "The agency's repeated and unlawful disregard of federal laws against employee retaliation has caused financial and emotional harm to workers and their families. This retaliatory conduct must stop at once."

In addition to the permanent injunction to prevent future retaliation, the consent judgment requires the USPS to pay \$183,732 in lost wages, interest and damages to the three unlawfully fired employees. Since 2020, the department has sued the USPS to protect probationary employees in California, Oregon, Pennsylvania and Washington who faced similar retaliation after reporting injuries.

The consent judgement is a significant victory in OSHA's effort to ensure employees' right to a safe workplace and their right to report or raise concerns about unsafe working conditions without fear of retaliation. The court's decision also has broader implications, including changing USPS processes when probationary employees report work-related injuries.

The court's order requires the USPS to implement unprecedented measures, including the following:

- Provide probationary employees who report workplace injuries equal opportunity to pass probation.
- Supply probationary employees who report workplace injury information needed to file a worker's compensation claim during their orientation.
- Have a human resource or a labor relations officer review all proposed terminations of probationary employees who reported a workplace injury.
- Provide workers with a specific notice and training related to employees' rights to report work-related injuries and related medical restrictions free of retaliation.

"This landmark injunction sends a clear signal to employers that retaliation — in any form — against employees who report workplace injuries will not be tolerated. The U.S. Department of Labor will continue to enforce federal protections of workers' rights rigorously and combat retaliation," Pilotin added. "With this action, the USPS' unlawful firings of probationary employees must come to an end. Immediate changes must be made to prevent these kinds of baseless, hurtful and unlawful terminations."

[Learn more about OSHA's Whistleblower Protection Programs.](#)

*Editor's note: The U.S. Department of Labor does not release the names of employees involved in whistleblower complaints.*

**Docket Numbers:** 3:22-cv-01176-RJB, 3:22-cv-06002-RJB, 3:23-cv-05007-RJB

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