

Matthew Deffebach in HR Magazine: 'OSHA Targets Employers that Retaliate Against Workers Raising COVID-19 Concerns'

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Haynes Boone Partner [Matthew Deffebach](#) talked with *HR Magazine* about how an employer could retaliate against an employee who raises COVID-19 concerns, what employees can do in such situations, and what managers and human resources should do to mitigate these issues and how to respond to any complaints made.

Below is an excerpt:

If an employee opposes a mandatory return-to-workplace policy as premature, he or she might claim retaliation if the employer responds by immediately firing the worker, according to Matthew Deffebach, an attorney with management firm Haynes Boone in Houston and Costa Mesa, Calif.

An employee who believes he or she has been unlawfully retaliated against for safety reasons typically files a complaint with OSHA.

If the matter isn't resolved to the agency's satisfaction, it may ask the Office of the Solicitor at the U.S. Department of Labor (DOL) to file a lawsuit in federal court where the DOL is the plaintiff seeking relief on the employee's behalf, Deffebach explained.

Training of managers is important, as there may be issues that managers will not perceive as being COVID-19 safety-based complaints and unintentionally fail to respond appropriately, Deffebach said.

"Managers should be trained to [spot those issues] and then loop in human resources on how to respond," he noted.

To read the full article, click [here](#).