

# WRF Wins Whistle Blower Case

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July 1, 2000

Washington, DC—In a decision dated May 31, 2000, a Department of Labor administrative law judge (ALJ) rejected a former employee's claim that his employer had retaliated against him for his complaints about his health and safety issues. Practice attorney Howard Radzely defended the employer at a four-day trial late last year. The employer argued that the employee was terminated for failing to attend a health and safety meeting and, in any event, that general complaints about an employee's own health and safety are not activities protected by the Clean Air Act (CAA) or the Comprehensive Environmental Recovery, Compensation and Liability Act (CERCLA). The ALJ accepted the employer's argument, holding that "none of [the employee's] pre-termination complaints are protected under the CAA or CERCLA because they were limited to occupational rather than environmental safety."

A copy of the decision in *Surette v. Foster Wheeler Environmental Corporation*, 1999-CAA-017, can be found on the Department of Labor's web site.

## Practice Areas

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Employment & Labor