

United States Nuclear Regulatory Commission
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NRC ISSUES POLICY STATEMENT
ON PROTECTION OF EMPLOYEES FROM RETALIATION

The Nuclear Regulatory Commission has approved a policy statement to set forth its expectation that NRC licensees will establish and maintain safety-conscious environments in which employees have the freedom to raise safety concerns, both to their management and to the NRC, without fear of retaliation.

The policy statement is applicable to the NRC-regulated activities of all NRC licensees and their contractors and subcontractors.

One key point in the policy statement is that NRC has the authority to investigate allegations that employees of licensees or contractors have been discriminated against for raising concerns and will take enforcement action if discrimination is substantiated.

The policy statement is only one of several steps the NRC has taken to improve the handling of allegations and to protect those who raise safety concerns from retaliation or discrimination. The agency is also issuing a revised, separate policy statement on protecting the identity of allegers and confidential sources; has named a full-time agency allegations advisor; has put additional emphasis on training NRC staff in the handling of allegations; is completing revision of an NRC management directive on the allegation process; and is giving higher priority to investigations of allegations of discrimination.

To further enhance protection for employees in the nuclear industry, NRC is also coordinating with the Department of Labor (DOL) to achieve improvements in the DOL discrimination complaint process. DOL has authority under Section 211 of the Energy Reorganization Act to order a personal remedy, such as back pay or reinstatement for individuals in NRC-licensed activities who successfully argue that they have been discriminated against for reporting safety concerns either to their employer or to the NRC.

Under a trial program, DOL has transferred responsibility for investigating complaints to the Occupational Safety and Health Administration, which has considerable experience in handling such complaints. DOL has also proposed a rule change which would allow discretion to choose to defend its initial finding of discrimination if challenged by the employer.

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