BOSTON - The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has ordered Southern Air Inc., a cargo airline headquartered in Norwalk, Conn., to pay more than $400,000 in lost wages, back pay, damages and legal fees to compensate a flight crew member who was terminated for raising safety concerns protected under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21).

The employee was terminated in April 2008 after twice complaining to management about inadequate rest breaks and being required to work hours in excess of those allowed under Federal Aviation Administration (FAA) rules. The employee then filed a whistleblower complaint with OSHA’s Boston Regional Office.

OSHA’s investigation found merit to the complaint, and the agency has issued a Notice of Secretary’s Findings and Preliminary Order to Southern Air that directs the air carrier to pay the complainant $300,000 for loss of career wages, $135,240 in compensatory damages, $7,394.65 in attorney’s fees and back pay of $1,485 per week, plus interest, from April 7, 2008, through the date of payment. The company is also ordered to post the FAA whistleblower poster and an OSHA notice to employees about their whistleblower rights.

"Employees have a strong and clear right to raise legitimate safety and health concerns about their working conditions without fear of termination or reprisal," said Marthe Kent, OSHA's New England regional administrator. "We will pursue the appropriate legal remedies whenever we find that workers have been denied this vital safeguard."

Both the complainant and the airline have 30 days from receipt of the findings to file an appeal with the Labor Department’s Office of Administrative Law Judges.

In addition to AIR21, OSHA administers the whistleblower provisions of the Occupational Safety and Health Act and other statutes protecting employees who report violations of various securities, trucking, airline, nuclear power, pipeline, environmental, rail, public transportation and consumer product safety laws. Detailed information on employee whistleblower rights, including fact sheets, is available online at: http://www.whistleblowers.gov/index.html.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA’s role is to promote the safety and health of America’s working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Note: The Labor Department does not release names of employees involved in whistleblower complaints.

###

U.S. Department of Labor releases are accessible on the Internet at www.dol.gov. The information in this news release will be made available in alternate format (large print, Braille, audiotape or disc) from the COAST office upon request. Please specify which news release when placing your request at 202-693-7828 or TTY 202-693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit www.dol.gov/compliance.