

**U.S. DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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<i>In the Matter of:</i>	)	
	)	
██████████,	)	
	)	OALJ Case No. 2023-SPA-00003
<i>Complainant,</i>	)	OSHA Case No.: 3-1760-21-136
	)	
v.	)	ALJ Jonathan Calianos, District Chief Judge
	)	
<b>MAERSK LINE, LTD.,</b>	)	
	)	
<i>Respondent,</i>	)	
<b>and</b>	)	
	)	
<b>ASSISTANT SECRETARY OF</b>	)	
<b>LABOR FOR OCCUPATIONAL</b>	)	
<b>SAFETY AND HEALTH,</b>	)	
	)	
<i>Party-in-Interest.</i>	)	
	)	
<hr/>	)	

**SETTLEMENT AGREEMENT**

Pursuant to 29 C.F.R. §1986.111, the Assistant Secretary for Occupational Safety and Health, United States Department of Labor (the “Assistant Secretary”), Complainant ██████████ (“Complainant” or ██████████), and Respondent Maersk Line, Ltd. (“Respondent” or “Maersk”), who shall be referred to collectively herein as the “Parties,” have negotiated and executed this Settlement Agreement (the “Agreement”). The Assistant Secretary, Complainant, and Respondent agree that it is in the Parties’ best interests to resolve this lawsuit on mutually agreeable terms. Accordingly, the parties expressly waive findings of fact and conclusions of law, except as otherwise set forth herein, and consent to the entry of an Order approving this Agreement as a full and complete resolution of all claims and issues which were, or might have been, alleged in this action, without adjudication of any issues of fact or law.

## **JURISDICTION AND COVERAGE**

A. This ALJ and the United States Department of Labor’s Office of Administrative Law Judges have jurisdiction over this action pursuant to the Seaman’s Protection Act, 46 U.S.C. § 2114 (the “Act”), and the implementing regulations, 29 C.F.R. §1986.

B. Respondent is wholly owned by Maersk Agency U.S.A., Inc., an American corporation wholly owned by Maersk A/S (“MAS”). MAS is wholly owned by A.P. Moller Maersk A/S. Maersk operates U.S. flagged vessels.

C. Complainant is an individual who was engaged or employed as a Chief Mate on board a U.S.-flagged vessel operated by Maersk. Complainant was not a member of the Armed Forces during his employment with Respondent.

D. As set forth in the Assistant Secretary’s Findings dated July 14, 2023, Complainant and the Assistant Secretary alleged that Complainant was terminated for engaging in activity protected under the Act when he reported to the United States Coast Guard (“USCG”) that the seaman believed that a violation of a maritime safety law or regulation prescribed under that law or regulation occurred.

E. Maersk denies the allegations contained in the Findings or any wrongdoing.

## **REMEDIES AND OBLIGATIONS**

Accordingly, the Parties hereby AGREE, that:

1. Respondent, and all persons in active concert or participation with it, will not discharge or in any manner discriminate against any employee because of activity protected under the Act. Respondent shall not use a seaman’s report to the U.S. Coast Guard, pursuant to 46 U.S.C. § 2114, as a contributing factor in any adverse action.

2. Within 30 days of Court approval of this Agreement, Respondent will remove and expunge any and all negative information that it entered as relates to Complainant's termination from his personnel file and expunge Complainant's employment records of any reference to the exercise of his rights under the Act. If asked for an employment reference by a prospective employer, Respondent's marine human resources and manning department and/or any other of Respondent's departments or offices that handle employment verification will provide a neutral employment reference for Complainant by merely confirming his dates of employment with Respondent, the last position he held, and his last rate of pay.

3. Within 30 days of Court approval of this Agreement, Respondent shall revise and replace its Reporting statutory equipment defects policy 09-04-01.900 dated July 31, 2017 with the revised Reporting statutory equipment defects policy 09-04-01.900 as shown as attached Exhibit A.

4. Within 45 days of Court approval of this Agreement, Respondent shall communicate the reporting policy changes to all members of the fleet (i.e., seamen) by email and shall make the changes on its internal website and make any other updates to its systems as may be needed.

5. Withing 180 days of Court approval of this Agreement, Respondent shall provide all supervisory personnel with training on the changes to policy 09-04-01.900.

6. Within 30 days of execution of this Agreement, Respondent shall provide a copy of the OSHA SPA Fact Sheet, attached as Exhibit B, to all seamen as part of their regular vessel sign-on paperwork and continue to provide the fact sheet for a period of at least two years from the date of posting.

7. Withing 180 days of execution of this Agreement, Respondent shall send proof of Respondent's compliance with this agreement to: Michael Mabee, Assistant Regional Administrator, Region VI – WPP, U.S. Department of Labor – OSHA, [mabee.michael@dol.gov](mailto:mabee.michael@dol.gov).

8. Respondent agrees to comply with the Act and applicable regulations in the future. Respondent shall not, contrary to the Seaman's Protection Act, 46 U.S.C. § 2114 and the implementing regulations, 29 C.F.R. §1986, discharge or in any manner discriminate against a seaman because:

(A) the seaman in good faith has reported or is about to report to the Coast Guard or other appropriate Federal agency or department that the seaman believes that a violation of a maritime safety law or regulation prescribed under that law or regulation has occurred;

(B) the seaman in good faith has reported or is about to report to the vessel owner, Coast Guard or other appropriate Federal agency or department sexual harassment or sexual assault against the seaman or knowledge of sexual harassment or sexual assault against another seaman;

(C) the seaman has refused to perform duties ordered by the seaman's employer because the seaman has a reasonable apprehension or expectation that performing such duties would result in serious injury to the seaman, other seamen, or the public;

(D) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

(E) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

(F) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

(G) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

(H) the seaman accurately reported hours of duty.

9. Each party shall bear its own costs and expenses, including attorneys' fees, arising in connection with any stage of the above-referenced proceeding.

10. The Parties agree that neither this Agreement nor the furnishing of the consideration for this Agreement shall be deemed or construed as an admission by Respondent that it violated any provision of the Act.

11. Complainant acknowledges that the payment set forth by separate agreement is sufficient consideration for this Agreement. The Parties agree that the terms of this agreement constitute full, final and complete resolution of his complaint referenced as OSHA case number 3-1760-21-136 and docketed at OALJ Case No. 2023-SPA-00003. This Agreement will cause this complaint to be closed in its entirety and that no further proceedings relating to this complaint or its allegations shall be initiated or pursued.

12. Once the Administrative Law Judge issues an Order approving this settlement, the provisions of this Agreement may be enforced by any aggrieved party in the United States District Court in the place of Complainant's residence or where Respondent does business. This Agreement shall be construed, interpreted, governed and enforced in accordance with the Act.

13. Nothing in this Agreement is intended to or shall prevent, impede, or interfere with Complainant's non-waivable right, without prior notice to Respondent, to provide information to a government agency, participate in investigations, file a complaint, testify in proceedings

regarding Respondent's past or future conduct, or engage in any future activities protected under the whistleblower statutes administered by OSHA, or to receive and fully retain a monetary award from a government-administered whistleblower award program for providing information directly to a government agency. Further, nothing in this Agreement is intended to or shall prevent, impede or interfere with Complainant's filing a future claim related to an exposure, an occupational injury, or an occupational illness, whose existence was unknown, or reasonably could not have been known, to Complainant on the date Complainant signed this Agreement.

AGREED AND CONSENTED TO THIS 9<sup>th</sup> DAY OF JULY, 2024:

FOR COMPLAINANT, [REDACTED]

By:   
Stephen J. Fitzgerald, Esq. (ct22939)  
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and

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**FOR ASSISTANT SECRETARY FOR  
OCCUPATIONAL SAFETY AND  
HEALTH ADMINISTRATION**

SEEMA NANDA  
Solicitor of Labor

JOHN RAINWATER  
Regional Solicitor

MARY KATHRYN COBB  
Counsel for Civil Rights

By: *Carmen Elizabeth Fahy*  
Carmen Elizabeth Fahy, Esq.  
Trial Attorney (TX: 24056866, IL:6273260)  
U.S. DEPARTMENT OF LABOR  
OFFICE OF THE SOLICITOR  
525 S. Griffin Street, Suite 501  
Dallas, Texas 75202  
Telephone: (972) 850-3100  
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[docket.dallas@dol.gov](mailto:docket.dallas@dol.gov)

**and**

**FOR RESPONDENT, MAERSK LINE, LTD.**

By: *Jane B. Jacobs*  
Jane B. Jacobs, Esq. (NY: 1842962)  
Brittany K. Lazzaro, Esq. (NY: 5526991, MA: 696571)  
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# Exhibit A



## **Reporting statutory equipment defects**

**01 August 2024**

### Index

#### 1. Reporting

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## **1. Reporting**

The Company, Flag Administration, Classification Society, and local Port Authorities (PSC) must be informed when any statutory equipment breaks down (if the ship continues to be in operation or not).

Examples of when to use notifications or apply for exemptions (or dispensations):

- Accident affecting the safety of the vessel - fire, collision, etc.
- Emergency generator unable to start due to failure in the system
- Failure of the oily water separator (15 PPM), MARPOL Annex I
- Failure of navigational equipment prescribed under SOLAS V
- Failure of radio communication equipment prescribed under SOLAS IV
- Lifeboat not operational because of defects to equipment or structure
- Damaged hatch covers affecting the water tightness of the vessel
- Condition affecting the safety or seaworthiness of the vessel
- Condition affecting the ship's class

### **1.1 Notification**

A notification must be promptly made whenever defective statutory equipment cannot be immediately rectified. Failure to make the required notifications at the earliest opportunity can be grounds for discipline up to and including termination.

Make the notification in accordance with the following:

- To Flag and Class:  
46 CFR 4.05 describes marine casualties that must be reported to the Flag Administration (USCG). Please reference Doc ID: 09-01-102.900 USCG Incident reporting and notification procedure with attached USCG Form 2692.

## **Reporting statutory equipment defects**

**01 August 2024**

- To the Company via the Ship Superintendent with MLL Fleet Group and Marine Standards in cc. SOLAS IX, ISM 9.1 requires that statutory defects, non-conformities, accidents, incidents, and hazardous occurrences be reported to the company.
- Develop, in consultation with respective superintendent and shore support, the Risk mitigation form (A01.900a (Attachment to Doc ID: 09-04-02)) for submission to Flag and Class – see Using the risk mitigation form (Doc ID: 09-04-02) for guidance
- Inform local Port Authority/PSC of next scheduled arrival port through the agent, using Form 090 (located in the Forms Module) prior arrival in port

### **1.2 Exemption**

An exemption (or dispensation) shall be applied for when a defect of statutory equipment cannot be rectified prior to departure from port.

When applying for an exemption (or dispensation) the following additional documents need to be submitted to the Class and Flag (USCG local Sector through the Ship Superintendent):

- Risk mitigation form (Doc ID: A01.900a) – see Using the risk mitigation form (Doc ID: 09-04-02) for guidance.
- Supporting documentation as evidence of why the defect could not be rectified in port, and information regarding future repair plans.

Any exemption (or dispensation) must be readily available during the validity period for inspection by any PSC authority.

After the defect is rectified and equipment is back to normal operation, the Flag and/or Class (as applicable) must be informed, to close the exemption.

*This procedure and any other policy or procedure within the SMS may not prevent or dissuade individuals from directly contacting the U.S. Coast Guard or other federal, state, or local agency or department without prior notice to the company.*

# Exhibit B

## Filing Whistleblower Complaints under the Seaman's Protection Act

Seamen are protected from retaliation for reporting alleged violations of maritime safety laws or regulations.

### Covered Employees

The *Seaman's Protection Act* (SPA) prohibits persons from retaliating against seamen for engaging in certain protected activities pertaining to compliance with maritime safety laws and regulations.

A seaman is any individual engaged or employed in any capacity on board a U.S.-flag vessel or any other vessel owned by a citizen of the United States. For a definition of "citizen of the United States" you should refer to 29 CFR 1986.101(d).

### Protected Activity

A person may not discharge or in any other manner retaliate against a seaman because the seaman:

- Reported (or is about to report) information relating to a violation of maritime safety laws or regulations to the U.S. Coast Guard (USCG) or other appropriate federal agency or department;
- Reported (or is about to report) sexual harassment or sexual assault against the seaman or knowledge of sexual harassment or sexual assault against another seaman to the vessel owner, Coast Guard, or other appropriate federal agency or department;
- Refused to perform duties because of a reasonable apprehension of serious injury to the seaman, other seamen, or the public, if the seaman has first requested that the employer correct the dangerous condition;
- Testified in a proceeding brought to enforce a maritime safety law or regulation (this includes internal complaints);
- Notified or attempted to notify the vessel owner or the USCG of a work-related injury or illness of a seaman;
- Cooperated with a safety investigation by the USCG or the National Transportation Safety Board (NTSB);
- Furnished information to any public official relating to any marine casualty where there is death, injury, or damage to property occurring in connection with vessel transportation; or
- Accurately reported hours of duty under Part A of Subtitle II of Title 46 of the United States Code.

### Unfavorable Employment Actions

A person may be found to have violated SPA if the seaman's protected activity was a contributing factor in the person's decision to take an unfavorable employment action against the seaman. An unfavorable employment action ("adverse action") is any action taken by an employer which would dissuade a reasonable employee from engaging in protected activity. Such actions may include:

- Firing or laying off
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failure to hire or rehire
- Intimidation or harassment
- Making threats
- Reassignment affecting prospects for promotion
- Reducing pay or hours
- More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment)
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity)
- Reporting the employee to the police or immigration authorities

### Deadline for Filing Complaints

Complaints must be filed within 180 days after the alleged unfavorable employment action occurs (that is, when the seaman is notified of the retaliatory action).

### How to File a SPA Complaint

A seaman, or representative of a seaman, who believes he or she has been retaliated against in violation of SPA, may file a complaint with OSHA. Complaints may be filed verbally by calling the local OSHA office at 1-800-321-OSHA (6742), or in writing by sending a written complaint to the closest OSHA office, or filing online at [www.whistleblowers.gov/complaint\\_page](http://www.whistleblowers.gov/complaint_page).

Written complaints may be filed by facsimile, electronic communication, hand delivery during normal business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, facsimile, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed. No particular form is required and complaints may be submitted in any language.

To file a complaint electronically, please visit [www.osha.gov/whistleblower/WBComplaint](http://www.osha.gov/whistleblower/WBComplaint).

To contact OSHA to file a complaint, please call 1-800-321-OSHA (6742) and they will connect you to the closest office; or visit [www.osha.gov/contactus/bystate](http://www.osha.gov/contactus/bystate).

Upon receipt, OSHA will review the complaint to determine whether it is appropriate to conduct a fact-finding investigation (e.g., whether the complaint was filed within 180 days; whether the allegation is covered by SPA). All complaints are investigated according to statutory requirements explained in 29 CFR 1986.104.

### Results of the Investigation

If the evidence supports a seaman's claim of retaliation and a voluntary settlement cannot be reached, OSHA will issue an order requiring reinstatement, as well as other possible relief to make the seaman whole, including:

- Payment of back pay with interest.
- Compensation for special damages, to include attorney's fees, and other expenses the seaman may have incurred as a result of the violation.
- Punitive damages of up to \$250,000.

OSHA's findings and order become a final order of the Secretary of Labor unless either party objects to the findings within 30 days. An order to reinstate is effective immediately, regardless of any objection.

After OSHA issues the findings and order, either party may request a full hearing before a Department of Labor (DOL) Administrative Law Judge (ALJ). If OSHA has issued merit findings, OSHA (represented by a DOL attorney) will

ordinarily prosecute the case, but the parties retain their rights to litigate. Any party, including OSHA, may petition for review of the ALJ decision by the Department's Administrative Review Board (ARB). Decisions of the ARB, as well as unreviewed decisions of ALJs, may be appealed to the appropriate United States Court of Appeals.

If a final agency order is not issued within 210 days from the date the seaman's complaint is filed with OSHA, then the seaman may be able to file a civil action in the appropriate United States District Court.

### To Get Further Information

For a copy of the *Seaman's Protection Act* (46 U.S.C. §2114), the regulations (29 CFR 1986), and other information, go to [www.whistleblowers.gov](http://www.whistleblowers.gov).

OSHA's Whistleblower Protection Program enforces the whistleblower provisions of more than twenty federal whistleblower laws. To learn more about the whistleblower statutes which OSHA enforces, view our "Whistleblower Statutes Desk Aid" at [www.whistleblowers.gov/whistleblower\\_acts-desk\\_reference](http://www.whistleblowers.gov/whistleblower_acts-desk_reference).

For information on the Office of Administrative Law Judges procedures and case law research materials, go to [www.oalj.dol.gov](http://www.oalj.dol.gov) and click on the link for "Whistleblower Collection."

For information on maritime safety laws and regulations, visit the U.S. Coast Guard's website at [www.uscg.mil](http://www.uscg.mil) and the Bureau of Safety and Environmental Enforcement's (BSEE) website at [www.bsee.gov](http://www.bsee.gov).

If you have questions or need more information, visit our website at [www.whistleblowers.gov](http://www.whistleblowers.gov) or call OSHA at 1-800-321-6742.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's workers by setting and enforcing standards, and providing training, education, and assistance. For more information, visit [www.osha.gov](http://www.osha.gov).

**This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: 1-877-889-5627.**



## Presentando Quejas como Denunciantes bajo la *Ley de Protección de los Marineros*

Los marineros están protegidos de las represalias por denunciar presuntas violaciones de las leyes o reglamentos de seguridad marítima.

### Empleados cubiertos

La *Ley de Protección de los Marineros* (SPA por sus siglas en inglés) prohíbe a las personas tomar represalias contra los marineros por participar en ciertas actividades protegidas, perteneciente al cumplimiento de las leyes y reglamentos de seguridad marítima.

Un marinero es cualquiera persona contratada o empleada en cualquier puesto a bordo de un barco de bandera Estado Unidense o de cualquier otro buque propiedad de un ciudadano de los Estados Unidos. Para una definición de "ciudadano de los Estados Unidos" debe referirse al 29 CFR 1986.101(d).

### Actividad protegida

Una persona no puede despedir o de cualquiera otra manera tomar represalias contra un marinero porque el marinero:

- Reportó (o está a punto de reportar) información relacionada con una violación de las leyes o regulaciones de seguridad marítima a la Guardia Costera de los EE. UU. (USCG) u otra agencia o departamento federal apropiado;
- Denunció (o está a punto de denunciar) acoso sexual o agresión sexual contra el marinero o conocimiento de acoso sexual o agresión sexual contra otro marinero al propietario de la embarcación, a la Guardia Costera u otra agencia o departamento federal apropiado;
- Se negó a realizar tareas debido a un temor razonable de sufrir lesiones graves al marinero, a otros marineros o al público, si el marinero primero ha solicitado que el empleador corrija la condición peligrosa;
- Testificó en un procedimiento iniciado para hacer cumplir una ley o reglamento de seguridad marítima (esto incluye quejas internas);

- Notificó o intentó notificar al propietario de la embarcación o a la USCG sobre una lesión o enfermedad de un marinero relacionada con el trabajo;
- Cooperó con una investigación de seguridad realizada por la USCG o la Junta Nacional de Seguridad en el Transporte (NTSB);
- Proporcionó información a cualquier funcionario público relacionada con cualquier siniestro marítimo en el que haya muerte, lesiones o daños a la propiedad ocurridos en relación con el transporte de embarcaciones; o
- Horas de trabajo informadas con precisión según la Parte A del Subtítulo II del Título 46 del Código de los Estados Unidos.

### Acciones del empleo desfavorables

Se puede considerar que una persona ha violado la SPA si la actividad protegida del marinero fue un factor contribuyente en la decisión de la persona para tomar una acción de empleo desfavorables en contra el marinero. Una acción desfavorable del empleo ("acción adversa") es cualquier acción tomada por un empleador que disuadir a un empleado razonable de participar en actividades protegidas. Tales acciones pueden incluir:

- Despido o cese en el empleo
- Degradación
- Denegación del pago de sobretiempo o de ascenso de categoría laboral
- Medidas disciplinarias
- Denegación de beneficios
- Denegación de contratación o recontractación
- Intimidación o acoso
- Amenazas
- Reasignación que afecta las perspectivas de ascenso de categoría laboral
- Reducción del sueldo o de horas
- Acciones más sutiles, como aislar, condenar al ostracismo, burlarse o acusar falsamente al empleado de un desempeño deficiente

- Inclusión en una lista negra (interferir intencionalmente con la capacidad de un empleado para obtener un empleo futuro)
- Despido constructivo (renuncia cuando un empleador hace que las condiciones de trabajo sean intolerables debido a la actividad protegida del empleado)
- Reportar al empleado a la policía o a las autoridades de inmigración

### Tiempo límite para presentar quejas

Las quejas tienen que ser presentadas dentro de los 180 días de haber ocurrido la acción de empleo no favorable alegada (es decir, cuando el marinero recibe noticia de la acción de represalia).

### Cómo presentar una queja bajo la SPA

Un empleado o representante de un empleado, que cree que él o ella ha sido una víctima de represalias en violación de la SPA, puede presentar una queja ante OSHA. Las quejas pueden ser presentadas verbalmente ante la OSHA visitando o llamando a la oficina local de la OSHA al 1-800-321-OSHA (6742), o pueden ser presentadas por escrito enviando la queja a la oficina regional o área más cercana de la OSHA, o presentando una queja por internet en [www.whistleblowers.gov/complaint\\_page](http://www.whistleblowers.gov/complaint_page).

Las quejas escritas pueden ser presentadas por fax, comunicación electrónica, entrega personal en horarios normales de trabajo, por correo normal de Estados Unidos (se recomienda usar el servicio de confirmación), u otra empresa de entregas comerciales.

La fecha del sello, fax, comunicación electrónica, llamada telefónica, entrega personal, entrega por parte de otra empresa de entrega comercial, o la presentación de la queja en persona en una oficina de la OSHA se considera la fecha de presentación. No se requiere ningún formulario particular y las quejas pueden ser presentadas en cualquier idioma.

Para presentar una queja electrónicamente, por favor visite [www.osha.gov/whistleblower/WBComplaintSpanish](http://www.osha.gov/whistleblower/WBComplaintSpanish).

Para contactar a la OSHA para presentar una queja, por favor llame al 1-800-321-OSHA (6742) y le conectarán a la oficina más cercana; o visite al [www.osha.gov/contactus/bystate](http://www.osha.gov/contactus/bystate).

Al recibir la queja, la OSHA la revisará y determinará si es apropiado llevar a cabo una investigación de los hechos (ej., si la queja fue presentada dentro de los 180 días; si las alegaciones están cubiertas bajo la SPA). Todas las quejas son investigadas según los requerimientos de la ley en el 29 CFR 1986.104.

### Resultados de la investigación

Si la evidencia soporta el reclamo de represalia del marinero y un acuerdo voluntario no puede ser alcanzado, OSHA emitirá una orden que requiera reinstalación de trabajo, así como otros posibles alivios para hacer una solución integral para el marinero, incluyendo:

- Pago de los salarios perdidos con intereses.
- Compensación por daños especiales, incluyendo los honorarios de abogados y otros gastos del marinero que puede haber ocurrido como resultado de la violación.
- Daños punitivos hasta \$250,000.

La determinación y orden de la OSHA se convierten en una orden final del Secretario del Trabajo a menos que cualquier de los partidos se opona a

los resultados dentro de los 30 días. Una orden de reinstalación es efectiva inmediatamente, independiente de cualquier objeción.

Después de que OSHA emite las conclusiones y el orden, cualquier de los partidos puede solicitar una audiencia completa antes de una Juez de Derecho Administrativo (ALJ por sus siglas en inglés) del Departamento de Trabajo (DOL por sus siglas en inglés). Si OSHA ha emitido conclusiones de mérito, OSHA (representado por un abogado del DOL) normalmente procesará el caso, pero los partidos conservarán sus derechos a litigar. Cualquiera de los partidos, incluyendo OSHA, puede solicitar

la revisión de la decisión del ALJ por la Junta de Revisión Administrativa del Departamento (ARB por sus siglas en inglés). Las decisiones de la ARB, así como las decisiones no revisadas de los jueces administrativos, pueden ser apeladas ante el apropiado Corte de Apelación Federal de los Estados Unidos (United States Court of Appeals).

Si una orden final de la agencia no se emite dentro de los 210 días a partir de la fecha cuando el marino se presentó la queja ante la OSHA, entonces el marino puede ser capaz de presentar una acción civil en el apropiado Corte de Distrito Federal de los Estados Unidos (United States District Court).

### Para obtener más información

Para obtener una copia de la *Ley de Protección de los Marineros* (46 U.S.C. §2114), las regulaciones (29 CFR Part 1986), y otra información, vaya a [www.whistleblowers.gov](http://www.whistleblowers.gov).

El Programa de Protección a los Denunciantes de OSHA hace cumplir las provisiones del denunciante de más de veinte leyes federales de denunciantes. Para aprender más acerca de los estatutos de denunciantes que hace cumplir la OSHA, ver nuestra "Whistleblower Statutes Desk Aid" (solo disponible en inglés) en [www.whistleblowers.gov/whistleblower\\_acts-desk\\_reference](http://www.whistleblowers.gov/whistleblower_acts-desk_reference).

Para obtener información sobre los procedimientos y materiales de investigación de jurisprudencia de la Oficina de Jueces Administrativos, visite: [www.oalj.dol.gov](http://www.oalj.dol.gov) (en inglés) y haga clic en el enlace de "Whistleblower Collection."

Para obtener información sobre leyes y regulaciones de seguridad marítima, visite la página web de la Guardia Costera de los Estados Unidos en [www.uscg.mil](http://www.uscg.mil) (en inglés) y la página de la Oficina de Seguridad y Control Ambiental en [www.bsee.gov](http://www.bsee.gov) (en inglés).

Si usted tiene preguntas o necesita más información, visite [www.whistleblowers.gov](http://www.whistleblowers.gov) o llame a la OSHA al 1-800-321-6742.

Bajo la Ley de Seguridad y Salud Ocupacional de 1970, los patronos son responsables de brindar un lugar de trabajo seguro y saludable para sus trabajadores. El papel de OSHA es de ayudar en asegurar estas condiciones para los trabajadores en los EE.UU. a través del establecimiento y la aplicación de normas, y proporcionando entrenamiento, educación y asistencia. Para más información, visite [www.osha.gov](http://www.osha.gov).

Ésta es parte de una serie de boletines informativos que indican los programas, las políticas y las normas de la OSHA. Esto no impone ningún nuevo requisito de cumplimiento. Para una lista completa de los requisitos de cumplimiento de las normas o reglamentos de la OSHA, consulte el Título 29 del Código de Regulaciones Federales. Ésta información se pondrá a disposición de las personas con discapacidad sensorial, a pedido. El teléfono de voz es: (202) 693-1999; el teléfono de texto (TTY) es: (877) 889-5627.

