

## **Information for Whistleblowers and About Whistleblower Retaliation**

### **Whistleblower Protection Act (WPA)**

The WPA protects Federal employees and applicants for employment who lawfully disclose information they reasonably believe evidences

- a violation of law, rule, or regulation
- gross mismanagement
- a gross waste of funds
- an abuse of authority
- or a substantial and specific danger to public health or safety

Under the WPA, certain federal employees may not take or fail to take, or threaten to take or fail to take; any personnel action against an employee or applicant for employment because of the employee or applicant's protected whistleblowing. See 5 U.S.C. § 2302(b)(8).

### **Whistleblower Protection Enhancement Act (WPEA)**

In 2012 Congress passed the WPEA into law to strengthen protections for federal employees who report fraud, waste, and abuse. The WPEA clarifies the scope of protected disclosures and establishes that the disclosure does not lose protection because

- the disclosure was made to someone, including a supervisor, who participated in the wrongdoing disclosed
- the wrongdoing being reported has previously been disclosed
- of the employee's motive for reporting the wrongdoing
- the disclosure was made while the employee was off duty
- the disclosure was made during the employee's normal course of duty, if the employee can show that the personnel action was taken in reprisal for the disclosure
- the amount of time which has passed since the occurrence of the events described in the disclosure

The WPEA protects disclosures that an employee reasonably believes are evidence of censorship related to research, analysis, or technical information that causes, or will cause, a gross government waste or gross mismanagement, an abuse of authority, a substantial and specific danger to public health or safety, or any violation of law. It expands the penalties imposed for violating whistleblower protections and establishes the position of Whistleblower Protection Ombudsman.

### **Enhancement of Contractor Protection from Reprisal (41 U.S.C. § 4712)**

The National Defense Authorization Act of 2013, enacted a pilot program making it illegal for an employee of a federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In 2016, Congress amended the program to make those protections permanent.

### **Whistleblower Ombudsman**

Pursuant to the WPEA, the U.S. Consumer Product Safety Commission (CPSC) established a Whistleblower Ombudsman to educate agency employees about prohibitions on retaliation for whistleblowing, as well as employees' rights and remedies if subjected to retaliation for making a protected disclosure. The Ombudsman is prohibited by law from acting as a Whistleblower's representative, agent, or advocate. The CPSC Whistleblower Ombudsman can be contacted at [DSimpson@cpsc.gov](mailto:DSimpson@cpsc.gov).

### **New Prohibited Personnel Practice**

Pursuant to the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, it is now a prohibited personnel practice to "access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13)" (the thirteen prohibited personnel practices enumerated in of 5 U.S.C. § 2302(b)).

### **Office of Special Counsel**

[The Office of Special Counsel](#) is an independent federal agency that investigates and prosecutes prohibited personnel practices by federal agencies, including whistleblower retaliation. For more information on WPA and WPEA protections please visit [Know Your Rights When Reporting Wrongs](#).

### **CONTACT INFORMATION FOR WHISTLEBLOWERS**

If you believe you have been subject to retaliation for protected whistleblowing you may contact either of the following offices:

#### **The CPSC Office of Inspector General:**

Telephone: (301) 504-7906 or (866) 230-6229 (has TTY capability)

Email: [CPSOIG@cpsc.gov](mailto:CPSOIG@cpsc.gov)

Mail: Office of Inspector General  
U.S. Consumer Product Safety Commission  
4330 East-West Highway, Room 702  
Bethesda, MD 20814

#### **Office of Special Counsel**

Telephone: (202) 804-7000 or (800) 872-9855

Federal Relay Service: (800) 877-8339

Email: [info@osc.gov](mailto:info@osc.gov)

Online Complaints: <https://osc.gov/pages/file-complaint.aspx>

Mail: Office of Special Counsel  
1730 M Street, N.W., Suite 218  
Washington, DC 20036-4505