

## WHISTLEBLOWER INTAKE FORM

**Utah Labor Commission/Utah Occupational Safety and Health**

*Report of Filing of Complaint Under 34A-6-203, Discharge or discrimination against employee is prohibited*

<b>THIS COMPLAINT IS TO BE GIVEN TO THE WHISTLEBLOWER SUPERVISOR</b>	
<b>Complainant Information</b>	
Complainant Name:	
Address:	Primary Phone:
City, State, Zip:	Secondary Phone:
Email:	
<b>Respondent Information</b>	
Respondent Company Name:	
Contact Name(s) For Respondent:	
Company Address:	Phone:
City, State, Zip:	Fax:
<b>Complainant informed of Their Right to Dual File</b>	
Yes No	
<p style="text-align: center;"><b>NOTE: You also have a right to dual file under the Federal 11C Whistleblower Act. If you choose to do so, you must file within 30 days of the adverse action. To file under the 11C Whistleblower Act, contact U.S. Dept. of Labor - OSHA Region VIII, 1244 Speer Blvd Suite 551, Denver, CO 80204. Phone (720)264-6550 or Fax (720)264-6585.</b></p>	
<b>Complaint Received Certification (Internal UOSH use ONLY)</b>	
I certify that the complaint was filed and received on date at time	
Printed Name of Person Receiving Complaint:	
Signature of Person Receiving Complaint:	



**This form is provided to assist with workplace safety and health whistleblower complaints and is not intended to constitute the exclusive means by which a complaint may be registered with the Utah Occupational Safety and Health Division (UOSH).**

## **Utah Whistleblower Protection**

Under section 34A-6-203 of the Utah Code workers have the right to bring concerns for occupational safety and health to their employers or other regulatory agencies without fear or discrimination or reprisal. If you feel you have been discriminated or retaliated against based on the above you can call us at 801-530-6901 or fill out and submit the following form and you will be contacted by our office. Whistleblower discrimination must be filed within 30 days of the alleged discrimination or reprisal.

## **You have the right to dual file with Federal OSHA**

You also have a right to dual file under the Federal 11C Whistleblower Act. If you choose to do so, you must file your complaint within 30 days of the adverse action to the Federal OSHA Denver Regional Office located at 1999 Broadway, Suite 1690, Denver, CO 80202-5716. You can also contact them at (720) 264-6550 or Fax (720)264-6585.

**Utah Code Title 34A-6-301(6)(a)(i)** Any employee or representative of employees who believes that a violation of an adopted safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the division's authorized representative of the violation or danger. The notice shall be in writing, setting forth with reasonable particularity the grounds for notice, and signed by the employee or representative of employees. A copy of the notice shall be provided the employer or the employer's agent no later than at the time of the inspection. Upon request of the person giving notice, the person's name and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available pursuant to Subsection (7). **(ii)(A)** If upon receipt of the notice the division's authorized representative determines there are reasonable grounds to believe that a violation or danger exists, the authorized representative shall make a special inspection in accordance with this section as soon as practicable to determine if a violation or danger exists. **(B)** If the division's authorized representative determines there are no reasonable grounds to believe that a violation or danger exists, the authorized representative shall notify the employee or representative of the employees in writing of that determination.

**Utah Code Title 34A-6-203(1)** A person may not discharge or in any manner discriminate against any employee because: **(a)** the employee has filed any complaint or instituted or caused to be instituted any proceedings under or related to this chapter; **(b)** the employee has testified or is about to testify in any proceeding; or **(c)** the employee has exercised any right granted by this chapter on behalf of himself or others. **(2)** **(a)** Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after the violation occurs, file a complaint with the division in the commission alleging discrimination. **(b)(i)** Upon receipt of the complaint, the division shall cause an investigation to be made. **(ii)** The division may employ investigators as necessary to carry out the purpose of this subsection. **(c)** If the investigator reports a violation and the employer requests a hearing on the alleged violation, the commission shall hold an evidentiary hearing to determine if provisions of this subsection have been violated. **(d)** If the commission determines that a violation has occurred, it may order the violation to be restrained and may order all appropriate relief, including reinstatement of the employee to his former position with back pay.(1987)

**Utah Code Title 34A-6-307(5)(c)** Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter is guilty of a class A misdemeanor.

### **Please submit your completed form to:**

State of Utah Labor Commission  
Utah Occupational Safety and Health Division (UOSH)  
160 East 300 South 3<sup>rd</sup> Floor  
PO Box 146650  
Salt Lake City, Utah 84114-6650  
Telephone: 801-530-6901  
Fax Number: 801-530-7606