

Not every ‘safety’ fear amounts to whistleblowing

In Pennsylvania, workers are protected for whistleblowing. However, the law has specific requirements.

For example, the worker’s complaint must be “objectively reasonable” and not merely a complaint about some perceived safety issue.

Recent case: Bruce took a job with a water department as a probationary employee.

Within days, he was sending around emails accusing a vendor of using an inadequate pump in a project he was only tangentially involved with. In his emails, Bruce claimed using the pump could result in many deaths. He said the decision to use the pump was “incomprehensible.”

A few weeks later, he was fired for poor performance.

Bruce sued, alleging he had engaged in protected whistleblowing. The court disagreed, concluding that his complaint didn’t specify any particular rule violation, just his opinion about a piece of equipment. (*Liban v. McCarty*, ED PA, 2017)