

Filing Whistleblower Complaints under the *Consumer Financial Protection Act (CFPA)*

Workers in the consumer financial product and service industries are protected from retaliation for reporting violations of the CFPA or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection (the Bureau).

Covered Persons and Employees

CFPA prohibits “covered person[s] and service provider[s]” from retaliating against “covered employee[s]” for engaging in protected activity.

A “covered person” is “any person that engages in offering or providing a consumer financial product or service” and “any affiliate of [such] a person... if [the] affiliate acts as a service provider to such person.”

A “consumer financial product or service” includes a wide variety of financial products or services offered or provided for use by consumers primarily for personal, family, or household purposes, such as residential mortgage lending and servicing, private student lending and servicing, payday lending, consumer credit reporting, credit cards and related activities, prepaid debit cards, and more. For more information on consumer financial products and services, visit www.consumerfinance.gov.

A “covered employee” is “any individual performing tasks related to the offering or provision of a consumer financial product or service.”

Protected Activity

CFPA protects covered employees of a covered person[s] from retaliation for:

- providing information relating to any violation of the CFPA or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau, to:
 - their employer,
 - the Bureau, or
 - any other Federal, state, or local government authority or law enforcement agency;

- testifying in, filing, or instituting proceedings under any of these provisions; or
- objecting or refusing to participate in any conduct that the employee reasonably believes violates any of these provisions.

Employees who believe they have been retaliated against in violation of CFPA may file a complaint with OSHA. See “How to File a CFPA Complaint,” below, for details.

What is Retaliation?

Retaliation is not limited to firing an employee. Retaliation can include several types of actions, such as:

- Firing or laying off
- Reducing pay or hours
- Reassigning
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Blacklisting
- Intimidating
- Making threats

Time Limits for Filing Complaints

An employee, or representative of an employee, who believes that he or she has been retaliated against in violation of CFPA may file a complaint with OSHA. Complaints **must** be filed within 180 days after the alleged retaliatory action.

How to File a CFPA Complaint

An employee can file a CFPA complaint with OSHA by visiting or calling his or her local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. No

particular form is required and complaints may be submitted in any language.

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

The date of the postmark, fax, 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.

To file a complaint electronically, please visit www.whistleblowers.gov/complaint_page.html.

To contact an OSHA area office, please call 1-800-321-OSHA (6742) for the closest area office, or visit our website at www.osha.gov/html/RAmap.html and click on Regional/Area offices to find your local office address and contact information.

When OSHA receives a complaint, the agency will first review it to determine whether certain basic requirements are met, such as whether the complaint was filed on time. If so, the complaint will then be investigated using the procedures required by the CFPA. See 29 CFR 1985.104.

Results of the Investigation

If the evidence supports an employee's claim of retaliation, OSHA will issue an order requiring the employer to put the employee back to work, pay lost wages, restore benefits, and provide other relief, as appropriate. The exact requirements will

depend on the facts of the case. If the evidence does not support the employee's claim, OSHA will dismiss the complaint.

After OSHA issues a decision, the employer and/or the employee may request a full hearing before an administrative law judge of the U.S. Department of Labor. A final decision by an administrative law judge may be appealed to the Department's Administrative Review Board.

The employee may also file a complaint in federal court if the Department of Labor does not issue a final decision within certain time limits. Details on this provision can be found in OSHA's regulations, at 29 CFR 1985.114.

To Get Further Information

For a copy of CFPA, the regulations (29 CFR Part 1985) and other information, go to 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.pdf.

For information on the Department of Labor's Office of Administrative Law Judges procedures and case law research materials, go to www.oalj.dol.gov and click on the link for "Whistleblower Collection."

For information on the Consumer Financial Protection Bureau, visit www.consumerfinance.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: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



**Occupational
Safety and Health
Administration**

www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor