

Discrimination prohibited for employees raising safety, health concerns

Employees are protected from retaliation by their employers for raising health and safety concerns at work and for reporting work-related accidents and injuries.

You have the right to a safe working environment. If you believe any of your working conditions are unsafe or unhealthful, you have the right to:

- call the situation to your employer's attention and request a correction; and
- contact Minnesota OSHA (MNOSHA) to discuss or report the situation and request a correction.

If the unsafe condition is not corrected, you may, in good faith, refuse to expose yourself to a dangerous situation and request to be reassigned to other duties. MNOSHA recommends you remain on your worksite after you have filed a complaint.

You are protected from retaliation by an employer for making your concerns known. You are protected when you:

- participate in a MNOSHA safety or health inspection;
- make a workplace safety or health complaint or request to management;
- call or file a compliant with MNOSHA;
- testify or provide a statement about a workplace safety or health hazard; or
- refuse to perform a work task due to the threat of serious injury or death from being exposed to a safety or health hazard.

Your employer might have violated MNOSHA statutes if it takes any of the following adverse employment actions against you and one of the protected activities can be shown to have motivated your employer to do so:

- termination or layoff;
- suspension;
- failure to hire or re-hire;
- documented discipline;
- denial of benefits;
- negative performance evaluation;
- demotion;
- failure to promote; or
- reduced hours.

If you believe your employer has discriminated against you because you participated in a protected activity related to workplace safety and health, you may file a complaint with MNOSHA at:

- 651-284-5051 or 877-470-6742;
- discrimination.dli@state.mn.us; or
- MNOSHA Discrimination, 443 Lafayette Road N., St. Paul, MN 55155.

Complaints must be filed with MNOSHA within 30 days of the date the adverse employment action took place or when you were notified of the adverse employment action.

MNOSHA investigators will review your complaint to determine if it is timely and is covered by its discrimination statutes. If your complaint is covered, it will be investigated following all statutory requirements, including interviews and contact with your employer. You will be notified of the status of your complaint, as well as the final outcome.

Legal references

- Minnesota Statutes § 182.654, subdivisions 9 and 11
- Minnesota Statutes § 182.669

Types of discrimination not covered by MNOSHA, resources

MNOSHA covers safety and health discrimination; it does not have jurisdiction over general workplace biases, such as age, disability, race, religion or sex. Entities that may be able to help with other forms of discrimination include:

- the Minnesota Department of Labor and Industry –
 - Labor Standards Division (wage and hour) at dli.mn.gov/laborlaw and
 - Workers' Compensation Division at dli.mn.gov/workers/workers-compensation-workers;
- the Minnesota Department of Education at education.mn.gov/MDE/dse/civil;
- the Minnesota Department of Health –
 - Foods, pools and lodging at health.state.mn.us/communities/environment/food/license/complnt.html and
 - Health facility complaints at health.state.mn.us/communities/environment/food/license/complnt.html;
- the Minnesota Department of Human Rights at mn.gov/mdhr;
- the Minnesota Department of Human Services at mn.gov/dhs/report-abuse; and
- the U.S. Equal Employment Opportunity Commission at eeoc.gov/how-file-charge-employment-discrimination.

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