

\$650K awarded for Massachusetts contractor's retaliation against injured immigrant worker

A federal jury in the District of Massachusetts has found that a Massachusetts employer and his company retaliated against an employee who reported an on-the-job injury. The jury awarded \$650,000 in damages – \$600,000 in punitive damages and \$50,000 in compensatory damages – as a result.

The verdict stems from the U.S. Department of Labor lawsuit filed against Tara Construction Inc. and its chief executive officer, Pedro Pirez, in February 2019 following a whistleblower investigation by the department's Occupational Safety and Health Administration. The lawsuit alleged that defendants initiated a law enforcement investigation and facilitated the employee's detention by U.S. Immigration and Customs Enforcement after the employee reported a serious injury and caused OSHA to open a rapid response investigation.

"The Department of Labor will not tolerate retaliation against employees who complain of workplace abuses, including when an employer seeks to use an employee's perceived immigration status as a way to intimidate workers. Successful enforcement of worker protection laws depends on workers being empowered and feeling safe enough to speak out for themselves and their fellow workers. If workers are brave enough to come forward, we will use all legal tools we have to protect them," said Solicitor of Labor Seema Nanda.

"The Occupational Safety and Health Act protects the rights of all workers, and – as we did here – we will pursue significant punitive damages when necessary to punish and deter those who

violate workers' rights," said Regional Solicitor of Labor Maia Fisher in Boston. "In this case, the jury assessed \$200,000 in punitive damages against defendant Tara Construction and \$400,000 in punitive damages against defendant Pedro Pirez. We seek and obtain punitive damages under the laws we enforce to ensure employers understand that it is not only unlawful, but also costly, to retaliate."

"The Occupational Safety and Health Act prohibits employers from retaliating against employees who exercise their rights under the Act, regardless of the employees' immigration status. This includes reporting injuries and causing an investigation or any proceeding under or related to the Act. This verdict sends a strong message to employers that there will be severe consequences when they violate the law and employee rights," said OSHA Regional Administrator Galen Blanton in Boston.

OSHA enforces the whistleblower provisions of 25 statutes protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, motor vehicle safety, healthcare reform, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws. For more information on whistleblower protections, visit OSHA's Whistleblower Protection Programs webpage.

Under the OSH Act, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.