OSHA Joins SEC in Attacking Confidentiality in Private Settlement Agreements

The federal Occupational Safety and Health Administrationreleased new policy guidelines in September for its review of private settlement agreements presented to the agency for approval in whistleblowing actions, **reports Littler Mendelson P.C.**

Authors Ed Ellis, Chip Jones and Kevin Griffith write that OSHA issued these guidelines based on its concern that certain confidentiality and other provisions in settlement agreements may unlawfully restrict or discourage employee activity that the government would like to protect and promote. The new policy guidelines track the approach recently adopted by the U.S. Securities and Exchange Commission.

The article explains that the SEC issued an agreed cease-and-desist order on August 10, 2016 in *BlueLinx Holdings, Inc.*, requiring the company to amend its severance agreements. "In that cease-and-desist order, the SEC directed the company to remove language from its agreements that prevented employees from accepting monetary awards from the SEC for whistleblowing complaints. *BlueLinx* also agreed to pay a $265,000 civil penalty," according to the article.

Read the article.