The IDPH has promulgated the Radiation Machines and Radioactive Materials Rules to set standards for your protection against radiation hazards and has established procedures for you, the employee, to report any suspected items of noncompliance in an Iowa licensed or registered facility.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed or registered by the IDPH must comply with the IDPH requirements. If a company violates the IDPH requirements, it can be fined or have its license modified, suspended, or revoked.

Your employer must tell you which IDPH radiation requirements apply to your work and must post IDPH Notices of Violation involving radiological work conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how the IDPH requirements relate to your work and should obey them. If you observe violations of the written requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you are engaged in deliberate misconduct that may cause a violation of the IDPH requirements, or if you have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the IDPH or your employer, you may be subject to enforcement action. If you report such a violation, the IDPH will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of IDPH rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the IDPH. If you raise your concerns with the licensee or registrant because they have primary responsibility and are most able to ensure safe operation of their facilities; the IDPH may conclude whether to pursue the matter further. If you believe that violations of the IDPH requirements have occurred, you may request an inspection. Your request should be addressed to the IDPH and must describe the alleged violation in detail. You or your representative must sign it.

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the IDPH. You may not be fired or discriminated against because you:

- Ask the IDPH to enforce its rules against your employer;
- Refuse to engage in activities which violate IDPH requirements;
- Provide information or are about to provide information to the IDPH or your employer about violations of requirements of safety concerns;
- Are about to ask for, testify at, help, or take part in an IDPH, state or federal proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the IDPH or raise a safety issue or otherwise engage in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 include actions such as harassment, blacklisting, and intimidation by employers of:

- employees who bring safety concerns directly to their employers;
- employees who have refused to engage in an unlawful practice, provided that the employee has identified the illegal to the employer;
- employees who have testified or are about to testify in any federal or state proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA) of 1954.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

WHAT WILL THE IDPH DO?

The IDPH will evaluate each allegation of harassment, intimidation, or discrimination. Based on the evaluation, the IDPH may order that you be reinstated, receive back pay, receive equitable relief, be compensated for any injury suffered as a result of the discrimination and be paid attorney’s fees and costs.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

WHAT CAN THE DEPARTMENT OF LABOR DO?

If your complaint involves a violation of Section 211 of the ERA by your employer, it may be filed with the Department of Labor (DOL). However, if you have filed a complaint with the DOL, the IDPH will monitor the results of the DOL investigation.

If the DOL finds that your employer has unlawfully discriminated against you, the DOL may order that you be reinstated, receive back pay, receive equitable relief, or be compensated for any injury suffered as a result of the discrimination and be paid attorney’s fees and costs.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.