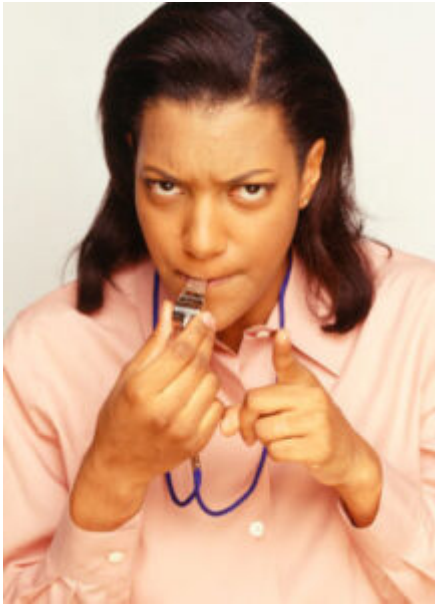


Charles Varnadore, US Safety Whistleblower, Dies at 71



Faced with an employer who ignores safety concerns or retaliates against those who raise them can drive a worker to become a whistleblower and report his company to the government. But becoming a whistleblower isn't an easy road and doesn't guarantee any safety improvements to the workplace.

No one knew this better than Charles Varnadore, who reported safety issues at the Oak Ridge National Laboratory in Tennessee in the 1990s. Varnadore died on March 7, but his death went unreported until recently.

As reported in the *New York Times*, Varnadore worked as a technician at the Oak Ridge National Laboratory, a federal nuclear research center.

When Varnadore returned to work after surgery for colon cancer, he noticed and reported various safety issues, including:

- Soil samples from nuclear plants weren't refrigerated as required and so pollutants were allowed to evaporate before they could be analyzed.
- His replacement while he was out didn't properly handle lab samples.
- He was required to operate mechanical arms to handle radioactive materials, which was difficult because blindness in his left eye gave him poor depth perception.
- He also raised concerns about elevated cancer rates among Oak Ridge personnel.

Martin Marietta, the contractor that ran the lab, didn't respond favourably to his complaints and instead retaliated. For example:

- After years of good performance reviews, Varnadore began to receive negative evaluations.
- His assignments were changed so often that he was nicknamed 'the technician on roller skates.'

- He was given a storage room containing bags and drums of radioactive, asbestos and chemical waste as an office.
- When an industrial hygienist recommended that either he or the waste be moved, he was put in a room visibly contaminated with mercury, which is poisonous to the nervous system.

Varnadore fought back by going public with the questionable safety practices at the lab and the retaliation he was subjected to as a result. (For information on the protections Canada workers have against retaliation for raising safety concerns, go to the Discipline and Reprisals Compliance Centre.)

Martin Marietta denied permitting any safety or environmental irregularities. For example, although it didn't deny the existence of radiation, mercury and other chemicals in Varnadore's offices, it said they weren't present in quantities large enough to be hazardous.

Varnadore's complaints drew national attention, including that of the federal government. In 1992, the Energy Department confirmed 16 of the 26 safety violations identified by Varnadore and ordered Martin Marietta to fix them.

In Nov. 1991, Varnadore filed the first of several whistleblower complaints with the Labor Department. (Read about the whistleblower protections under Canada's criminal law.) In Feb. 1992, the department ruled in his favor and was upheld by an administrative judge in June 1993.

But the labor secretary, Robert B. Reich, dismissed some of Varnadore's charges. And a panel appointed by Reich found that although there had been retaliation against Varnadore, it wasn't pervasive. So the panel threw out the rest of the claims and a federal appeals court supported these dismissals.

Although Varnadore officially lost his case, it did lead to reforms in the Energy Department and fostered a new willingness among nuclear workers to report abuses. Varnadore's complaints also led to stronger laws and practices governing workers who blow the whistle on their employers.

Rest in peace, Charles Varnadore.