

FESHM 1060: FERMILAB ES&H CONCERNS PROGRAM

Revision History

Author	Description of Change	Revision Date
Angela Aparicio	Revised to include new Hotline and online reporting system.	October 2020
Angela Aparicio	Addition of the Differing Professional Opinions process, updates to hyperlinks.	December 2018
Jon Ylinen	Made minor editorial changes, ensured all links worked properly.	June 2017
Tim Miller	Completely rewritten to eliminate redundancy and include key content from DOE source documents. Added WDRS and DOE concern reporting processes.	March 2011

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FERMILAB ES&H CONCERNS PROGRAM

1.0 INTRODUCTION

Fermilab employees, users, and subcontractor employees have the right and responsibility to report concerns relating to the environment, safety, health, or management of Laboratory operations. Most employee concerns can be effectively managed through routine issue management processes but in cases where this is impractical, Fermilab provides options to help assure that problems are resolved promptly and effectively, and without fear of reprisal.

2.0 DEFINITIONS

Employee Concern - A good faith expression by an employee, user or subcontractor employee that a Fermilab policy or practice should be improved, modified, or terminated. Concerns can pertain to issues such as ES&H, management practices, fraud, waste, or reprisal for raising a concern.

3.0 RESPONSIBILITIES

3.1 Managers and supervisors

Managers and supervisors are responsible for establishing open communications to enable employees to raise concerns and to address the concerns of employees under their supervision in a manner that protects the health and safety of employees or the public and ensures efficient Laboratory operations. This must be carried out in a way that fosters the free flow of information without employees being punished for raising concerns.

3.2 Employees, users and subcontractor employees

Employees, users and subcontractor employees are responsible to report conditions that adversely affect the quality or safety of Fermilab operations and to identify and prevent harassment and intimidation of coworkers.

4.0 PROGRAM DESCRIPTION

Fermilab's ES&H concerns program is intended to accomplish the following:

- Encourage open communication,
- Inform employees of the proper forum for consideration of their concerns,
- Provide employees an avenue for consideration of concerns,
- Ensure employees can raise issues without fearing reprisal, and
- Address employee concerns in a timely manner.

Fermilab management is committed to the willing acceptance of all concerns and suggestions and to addressing them promptly and correctly. Fermilab management would prefer to find out about

84 a problem when it is first discovered and have an opportunity to deal with it rather than wait and
85 be surprised by a potentially larger problem when it comes to light at a later date. All Fermilab
86 employees, users, and subcontractor employees are encouraged and expected to freely express
87 their concerns to management, whether safety-related or not, without fear of reprisal. Harassment,
88 intimidation, retribution, or discrimination will not be tolerated.

89
90 Employees are encouraged to first seek to resolve their concerns with their first-line supervisors
91 or through other established issue resolution systems. Members of bargaining units should consult
92 with their union stewards. If these avenues are unavailable or are not able to effectively deal with
93 an issue, Fermilab provides alternative processes for evaluation and resolution.

94
95 Situations exist in which personnel may be afraid to contribute information for fear of reprisal or
96 intimidation. In these instances, the employee concerns program provides mechanisms for
97 ensuring identities will not be disclosed.

98 99 **5.0 PROCEDURES**

100 101 **5.1 Routine issue resolution processes**

102 Employees are encouraged to first try resolving their concerns through their line supervision. Your
103 supervisor should be the first stop since this individual has primary responsibility for helping you
104 deal safely and effectively with your work. In some circumstances, it may be appropriate to take
105 your concern “up the management chain.” Another common approach is to bring concerns to an
106 appropriate technical support person. For example, ES&H issues to the Division Safety Officer
107 or financial issues to the budget representative. For additional information regarding ES&H roles
108 and responsibilities see FESHM [Chapter 1010](#).

109 110 **5.2 Non-routine issue resolution process**

111 In some cases, the standard approach in 5.1 may not be useful for several reasons, including:

- 112 • Lack of awareness about routine issue resolution processes,
- 113 • The people who are supposed to help are the source of the problem,
- 114 • Routine processes are ineffective, or
- 115 • Fear of embarrassment or reprisal.

116
117 In these instances, many alternative reporting mechanisms exist. The characteristics of these
118 reporting mechanisms vary depending on the nature of issue addressed, the managing organization,
119 and the degree of identity protection desired. Select the approach that you believe is most
120 appropriate to your situation.

121 122 **5.2.1. Integrity Counts Hotline and Online Reporting System**

123 The Integrity Counts Hotline and Online Reporting System is part of the Fermi Research
124 Alliance, LLC (FRA) employee/user/subcontractor concerns program. Integrity Counts is
125 a third-party provided platform for reporting all employee concerns, including violations
126 of safety or health standards, standards of conduct, legal or ethical lapses, the environment,

127 security, quality, management, or concerns regarding equity, diversity and inclusion.
128 System reporters may identify themselves or remain anonymous. The Fermilab Concerns
129 Reporting System is available for use by FRA employees, Fermilab Users, and Fermilab
130 Subcontractors.

131
132 The web platform is accessed through: <https://www.integritycounts.ca/org/Fermilab>. The
133 phone hotline is available at: 866.921.6714 from the United States and 00-800-2002-0033
134 from Switzerland. An email also may be sent to fermilab@integritycounts.ca and the
135 report will be entered by Whistleblower Security into the web portal reporting system.
136

137 **5.2.2. DOE Employee Concerns**

138 Managed by the Department of Energy. Intended for safety and efficient use of
139 government resources. Identification required but will not be revealed to Fermilab.
140

141 U.S. Department of Energy
142 SC, Chicago
143 ATTN: ISC-CH ECP Manager
144 9800 South Cass Avenue
145 Argonne, Illinois 60439
146 (800) 701-9966 Hotline
147 (630) 252-2315 FAX
148 scfieldecpl@science.doe.gov
149

150 **5.2.3. DOE Differing Professional Opinions**

151 Managed by the Department of Energy. Intended for concerns involving technical issues
152 with potential significant impact to environment, safety and health that have not been
153 adequately addressed through lower-level processes. You must provide your contact
154 information.
155

156 The Differing Professional Opinion (DPO) process is described in Attachment 2 of the
157 [DOE Order](#). Employees who have made attempts to resolve technical issues with potential
158 significant impact to ES&H may submit a Differing Professional Opinion (DPO) Form
159 here: <https://ehss.energy.gov/forms/dpo/dpo.aspx>
160

161 Contact information for the current [DPO Manager](#) (see *Office of Science facility other than a*
162 *hazard category 1, 2 or 3 nuclear facility*) is listed here: [https://www.energy.gov/ehss/doe-](https://www.energy.gov/ehss/doe-differing-professional-opinions)
163 [differing-professional-opinions](https://www.energy.gov/ehss/doe-differing-professional-opinions)
164

165 **5.2.4. DOE Whistle Blower Protection**

166 Managed by the Department of Energy. Intended for ES&H, waste, fraud and abuse by
167 management. Identification required but will not be revealed to Fermilab.

168 [Fermilab Whistleblower Policy Statement - WDRS](#) Click on the “Employee protection”
169 drop down and select “Whistle Blower Protection”.
170

171 Fermilab's employees and subcontractor employees should report concerns regarding
172 issues pertaining to environment, safety, health, waste, fraud, or abuse to their supervisors.
173 If an employee or subcontractor thinks resolution is not possible, fears reprisal, or requests
174 confidentiality, he/she may contact the DOE Employee Concerns Program Manager at the
175 following address:

176
177 U.S. Department of Energy
178 Employee Concerns Program
179 1000 Independence Ave, SW
180 Room 6F-068
181 Washington, DC 20585

182
183 Phone: (844) 799-8855
184 Or email at: EmployeeConcernsProgram@hq.doe.gov
185

186 Fermilab's employees and subcontractor employees may make complaints directly to DOE
187 if they believe that they have been retaliated against in some fashion by their employer for
188 reporting ES&H concerns, substantial violations of law, or incidents of gross
189 mismanagement to DOE, state and federal regulators, Congress, or the prime contractor.
190 Date policy last updated: June 2005
191

192 **6.0 REFERENCES**

193 [10 CFR 708 – DOE Contractor Employee Protection Program](#)

194 Protects workers from employer retaliation for disclosing information concerning danger to public
195 or worker health or safety, substantial violations of law, or gross mismanagement; for participation
196 in Congressional proceedings; or for refusal to participate in dangerous activities.
197

198 [DOE Order O 442.1B - Employee Concerns Program](#)

199 Establishes a program that encourages the prompt identification, reporting, and resolution of
200 employee concerns regarding DOE facilities or operations in a manner that provides the highest
201 degree of safe operations.
202

203 [DOE Order O 442.2 – Differing Professional Opinions for Technical Issues Involving 204 Environmental, Safety, and Health Technical Concerns](#)

205 Establishes the DOE Differing Professional Opinion (DPO) process for employees to raise
206 technical concerns related to environment, safety, and health (ES&H) which cannot be resolved
207 using routine processes.
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