

## [30 USCS § 1293](#)

Current through PL 115-18, approved 3/31/17

[United States Code Service - Titles 1 through 54](#) > [TITLE 30. MINERAL LANDS AND MINING](#) > [CHAPTER 25. SURFACE MINING CONTROL AND RECLAMATION](#) > [ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS](#)

### **§ 1293. Employee protection**

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- (a) Retaliation practices prohibited. No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act [[30 USCS §§ 1201](#) et seq.], or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act [[30 USCS §§ 1201](#) et seq.].
- (b) Review by Secretary; investigation; notice; hearing; findings of fact; judicial review. Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to *section 554 of title 5 of the United States Code*. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein his findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he will issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act [[30 USCS §§ 1201](#) et seq.].
- (c) Costs. Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

### **History**

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(Aug. 3, 1977, [P.L. 95-87](#), Title VII, § 703, [91 Stat. 520](#).)

UNITED STATES CODE SERVICE

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