AIR 21 is a federal law that was enacted in 2000 to establish protection for employees of air carriers against retaliation for reporting potential aviation safety violations. Under AIR 21, an employee of an air carrier (or its contractors) is protected from retaliation for reporting alleged violations of federal laws related to aviation safety. AIR 21 makes it illegal for an airline employer to discharge or in any other manner retaliate against you because you provided information to, or caused information to be provided to your employer or the federal government about an alleged violation of federal laws of the FAA or any other provision of federal law related to air carrier safety. Retaliation is not limited to discharge, but may include any of the following: blacklisting; demotion; denying overtime or promotion; discipline; denying benefits; failure to hire or rehire; intimidation; reassignment affecting promotion prospects; reduction of pay or hours; and written warnings in certain circumstances.

All AIR 21 complaints are filed directly with the Occupational Safety and Health Administration. Therefore, if you believe that you have been retaliated against in violation of AIR 21, you should file a complaint with the OSHA office responsible for enforcement activities in the geographical area where you reside or are employed. Complaints must be filed in writing by mail (certified mail recommended), fax or hand-delivery. The date upon which the complaint is postmarked, faxed or hand-delivered is considered the date filed. This is important because all complaints must be filed within 90 days after the alleged unfavorable personnel (discharge, discipline, etc.) occurred.

To secure an OSHA investigation, you must raise an inference of unlawful discrimination. Moreover, to prevail at any hearing (post-investigation), you will be required to prove the following elements:

1) That you engaged in protected activity (e.g., that you reported a violation of federal law relating to air carrier safety);
2) That the employer knew about your protected activity;
3) That an adverse action (discharge, discipline, etc.) was taken against you; and
4) That the protected activity was a contributing factor in the adverse action taken against you.

As the second element makes clear — it is important that the employer knows about your reporting of safety violations. Therefore, if you report these violations to federal authorities (such as the FAA) it is important that you provide a copy of the report to your employer as well so that the employer cannot later argue that it could not have retaliated because it was unaware of your report. If the federal government determines that the employer has violated AIR 21, it is empowered under the law to mandate reinstatement, back pay for lost wages, compensatory damages, and litigation costs, including attorney fees.

We have all been exposed to the Company’s In Accordance With (IAW) program that instructs us, as aircraft mechanics, not to perform maintenance by memory, but to always check the manual. Unfortunately some managers will want to boost “productivity” by cutting corners when it comes to maintenance. However, neither the FAA or company policy permits you to engage in aircraft maintenance that does not conform to federal guidelines – including company maintenance programs approved by the federal government. As a federally licensed aircraft mechanic you are required by FAA regulations to strictly comply with FAR standards. Therefore, if a manager asks you to deviate from maintenance standards, they are asking you to violate federal law. AIR 21 was enacted specifically to protect you and your job from any retaliation for reporting any such violations.