

Employee ‘Whistleblower’ Protections Expanded – Effective Today – 1.26.2022

Effective today, protections for New York employees who become “whistleblowers” strengthen significantly. Equally important, the new law expands who is covered by Labor Law 740. The law also requires that employers POST NOTICE OF THESE NEW RIGHTS TODAY and update their policies.

As for WHO is covered: The old law covered current employees only. Now, the law covers former employees, and independent contractors as well.

As for WHAT is covered: The old law only protected employees who reported actual violations of a law that posed a “substantial and specific danger to public health or safety.” Now, the law protects employees who have a “reasonable belief” that there is a violation.

On the technical front, the law increases the statute of limitation from 1 to 2 years and changes the penalties available to employees whose rights are violated. Under the old law, whistleblowers who were wrongfully terminated could be awarded reinstatement to their position, back wages, and attorneys’ fees. Now, aggrieved employees will be entitled to all of these remedies plus punitive damages, and front pay. The employer may be further liable for penalties up to \$10,000.

Please let us know if we can help with your compliance.

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