

Changes to Employee Whistleblower Protections

Several changes to New York Labor Law Section 740, which protects employees who report health and safety violations in the workplace, recently went into effect.

The law now protects not only employees, but also former employees and independent contractors. Prohibited retaliatory conduct by employers now includes, in addition to adverse employment actions, actions (or threats) that would adversely affect a former employee's or independent contractor's current or future employment. Employers are also prohibited from retaliating by contacting or threatening to contact immigration authorities.

Employers are now required to post a notice regarding Section 740. The notice should be posted "in easily accessible and well-lighted places customarily frequented by employees and applicants for employment." Because many employees are working remotely, it would be a good idea to email them a copy of the notice. It would also make sense to provide a copy of the notice to all new hires.

A model of the required posting, created by the New York State Department of Labor, can be found at https://dol.ny.gov/system/files/documents/2022/02/ls740_1.pdf.

Employers in the healthcare sector should be aware that Labor Law Section 741, which applies specifically to health care workers, now has its own posting requirement as well. The Department of Labor has not released a model poster for Section 741.

For questions relating to this client alert, please contact:



Kathleen Lowden

212.689.8808
klowden@hnrklaw.com

Kathleen's practice focuses on employment matters on behalf of both employees and employers, and also includes general commercial litigation. She advises employers on compliance with federal, state, and local employment statutes. She has defended mass transit agencies, as well as other U.S. and foreign defendants, in suits by employees alleging sex, race, and disability discrimination, civil rights violations, violations of the Family and Medical Leave Act, and violations of the Fair Labor Standards Act.

Disclaimer

The information contained in this alert is provided for informational purposes only, and is not intended to be, nor should it be, construed as legal advice on any subject matter. You should always seek appropriate legal advice based on the particular facts and circumstances at issue from an attorney licensed in your jurisdiction. This alert contains general information and may not reflect current legal developments.