

Connecticut

● STATE WHISTLEBLOWER LAW

STATUTORY CITATION: Conn. Gen. Stat. § 31-51m

GENERAL SUMMARY: It is illegal for an employer to discharge, discipline or otherwise penalize an employee because the employee, among other things, reports a violation or suspected violation of any state or federal law or regulation to a public body. Likewise, retaliation against an employee for having participated in an investigation, hearing or inquiry requested by a public body is also unlawful.

PROVISIONS APPLICABLE TO AGRICULTURE: This law applies to virtually all public- and private-sector employers and employees in Connecticut, without regard to industry or occupation.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — After exhausting any available administrative remedies, a worker who is fired or disciplined in any other way in violation of this provision may file a civil action in superior court against the offending employer, using a private attorney or public legal service provider. The action must generally commence no later than 90 days after the violation is alleged to have occurred. If the charge is sustained, the court may order reinstatement to the job, payment of back wages, or restitution of employee benefits to which the worker would otherwise have been entitled if the violation had not occurred. The court may also award reasonable attorney's fees and court costs.

Florida

● WHISTLEBLOWER LAW

STATUTORY CITATION: Fla. Stat. §§ 448.101 – 448.105

GENERAL SUMMARY: Chapter 448 of the Florida statutes includes a provision making it illegal for employers of 10 or more employees to fire, suspend, demote or take any other adverse employment action against a worker for having disclosed, or threatened to disclose, to an appropriate governmental agency an activity, policy or practice of the employer that is in violation of federal, state or local law. It is also unlawful for an employer to take retaliatory personnel action against a worker who has testified or provided information to a governmental agency conducting an investigation, hearing or inquiry into an employer's alleged violation of any law or regulation.

PROVISIONS APPLICABLE TO AGRICULTURE: Florida's whistleblower provision protects virtually all employees in the state, and applies to virtually all employers with 10 or more employees, without regard to occupation or industry.

SPECIAL NOTES OR ADVISORIES

SUPERVISOR NOTIFICATION — Before a worker may claim damages for disclosing an employer's unlawful activity, policy or practice, the worker must first bring the alleged violation to the attention of a supervisor or the employer, in writing, and give the employer a reasonable opportunity to correct the activity, policy or practice.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker who has been subjected to retaliation in violation of this law may take action in civil court against the employer involved, using a private attorney or public legal service provider. The suit must be filed within 2 years after the employee discovered that the retaliatory action was taken, or within 4 years after the action was taken, whichever is earlier. If the court rules in the worker's favor, it may order reinstatement of the worker to the job, compensation for lost wages and benefits, and other monetary damages.

Hawaii

● WHISTLEBLOWERS' PROTECTION ACT

STATUTORY CITATION: Haw. Rev. Stat. §§ 378-61 – 378-69

GENERAL SUMMARY: Virtually all public and private employers in Hawaii are prohibited from firing, threatening or otherwise discriminating against an employee with regard to the terms and conditions of employment, because the employee or a person acting on the employee's behalf reports or plans on reporting a violation or suspected violation of a federal, state or local law. It is also illegal for an employer to discriminate against an employee on grounds that the employee is requested to participate in an investigation, hearing or inquiry held by a public body or court of law.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions implicitly apply to agricultural employers and workers to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – As noted below, this law is enforced in civil court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker who alleges a violation of the Act may bring civil action for damages or other relief, using a private attorney or public legal service provider; such an action must be filed within 2 years after the alleged violation occurred. If the charge is sustained, the court may order reinstatement of the worker, payment of back wages, reinstatement of benefits, actual damages, or any combination of these remedies, plus court costs and attorney's fees. Employers found in violation are also subject to civil money penalties ranging from \$500 to \$5,000 for each violation.

Maine

● WHISTLEBLOWERS' PROTECTION ACT

STATUTORY CITATION: Me. Rev. Stat. Title 26, §§ 831 – 840

GENERAL SUMMARY: It is illegal for virtually any public or private employer in Maine to discharge, threaten or otherwise discriminate against an employee in the terms and conditions of employment, because the employee reports to the employer, or to a public officer or agency, what the employee has reasonable cause to believe is a condition or practice that would put the health or safety of the employee or anyone else at risk. Employers are also prohibited from taking discriminatory employment action against a worker for having been requested to take part in an investigation, hearing or inquiry by a public agency or court of law.

Before a worker's claim of unlawful discrimination under the whistleblower law can be investigated and enforced, the worker is generally required to first bring the alleged violation, condition or practice to the attention of a person having supervisory authority in the workplace and allow the employer a reasonable opportunity to correct the violation, condition or practice.

PROVISIONS APPLICABLE TO AGRICULTURE: The Whistleblowers' Protection Act applies implicitly to agricultural employers, and protects agricultural workers, to the same extent as their counterparts outside agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Maine Human Rights Commission, Augusta, Maine 04333 (207-624-6290)*. A worker alleging a violation of his or her rights under these provisions, and who has complied with the requirement to notify a supervisor in an attempt to resolve the issue informally, may file a complaint with the Commission for action under the Maine Human Rights Act, summarized above.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Michigan

● WHISTLEBLOWERS' PROTECTION ACT

STATUTORY CITATION: Mich. Comp. Laws §§ 15.361 – 15.369

GENERAL SUMMARY: The Whistleblowers' Protection Act makes it unlawful for virtually any public or private employer in Michigan to fire, threaten or otherwise discriminate against an employee regarding the terms and conditions of the job, on grounds that the employee or a person acting on the employee's behalf reported or plans to report a suspected violation of federal, state or local law to a public agency or officer. Employers are also prohibited from discriminating against an employee because he or she is requested by a public agency or court of law to participate in an investigation, hearing or inquiry conducted by that agency or court.

PROVISIONS APPLICABLE TO AGRICULTURE: The Act protects farmworkers, and applies to farm employers, to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – As noted below, this law is enforced in civil court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A person who alleges a violation of the Whistleblowers' Protection Act may bring civil action against the employer involved, using a private attorney or public legal service provider. Any such action must be filed within 90 days after the occurrence of the alleged violation. If the charge is sustained, the court may order the worker's reinstatement, payment of back wages, actual damages, and other appropriate relief, plus court costs and reasonable attorney's fees.

Minnesota

● STATE LABOR LAWS (*DISCLOSURE OF INFORMATION BY EMPLOYEES*)

STATUTORY CITATION: Minn. Stat. §§ 181.931 – 181.935

GENERAL SUMMARY: With virtually no exceptions, public and private employers in Minnesota are prohibited from firing, disciplining, threatening or otherwise discriminating against an employee because the employee:

(1) In good faith reports a suspected violation of federal or state law to the employer, to a governmental agency, or to a law enforcement official.

(2) Is requested by a public body or office to participate in an investigation, hearing or inquiry.

(3) Refuses the employer's order to perform an action that the employee believes violates federal or state law, and informs the employer that the order is being refused for that reason.

PROVISIONS APPLICABLE TO AGRICULTURE: This provision applies to agricultural employers — and protects agricultural workers — to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of these provisions may take civil action against the employer involved, using a private attorney or public legal service provider. If the complaint is sustained, the court may order the worker's reinstatement, back pay and other appropriate relief, as well as court costs and attorney's fees.

New Hampshire

● WHISTLEBLOWERS' PROTECTION ACT

STATUTORY CITATION: N.H. Rev. Stat. §§ 275-E:1 – 275-E:9

RELATED REGULATIONS: N.H. Code Admin. R. Lab. 900

GENERAL SUMMARY: The Whistleblowers' Protection Act makes it illegal for an employer to harass, abuse, intimidate, discharge, threaten or otherwise discriminate against an employee because the employee (1) in good faith reports what he or she reasonably believes is a violation of a state or federal law or regulation, (2) objects to or refuses to participate in an activity that the employee, in good faith, believes is a violation of the law, (3) participates in an investigation, hearing or inquiry conducted by a governmental entity, including a court action, concerning allegations that the employer has violated a law, or (4) refuses to carry out a directive that violates a state or federal law or regulation.

PROVISIONS APPLICABLE TO AGRICULTURE: The Act applies to agricultural employers and protects agricultural workers to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176). An employee who alleges a rights violation under the Whistleblower Protection Act, after making a reasonable attempt to address the adverse action using a grievance procedure or similar process available at the workplace, may request a hearing by the state labor commissioner's office. If a violation is confirmed, the agency may order reinstatement of the employee, payment of back wages, or other appropriate relief.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

New Jersey

● CONSCIENTIOUS EMPLOYEE PROTECTION ACT

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:19-1 – 34:19-14

GENERAL SUMMARY: Employers in New Jersey are prohibited from retaliating against an employee because the employee does any of the following:

- (1) Discloses or threatens to disclose to a supervisor, or to a public agency or official, an activity, policy or practice of an employer that the worker reasonably believes is in violation of a law or regulation, or is fraudulent or criminal.
- (2) Provides information to or testifies before a public body that is conducting an investigation, hearing or inquiry into a violation of law by an employer.
- (3) Objects to or refuses to participate in an activity, policy or practice that the worker reasonably believes is fraudulent, criminal, or in violation of the law.

The protection against retaliation does not apply to an employee's disclosure of information to a public body unless the employee has brought the perceived violation of the law to the attention of a supervisor of the employee, in writing, and has given the employer a reasonable opportunity to correct the unlawful activity, policy or practice involved.

PROVISIONS APPLICABLE TO AGRICULTURE: The Act applies to agricultural employers and protects agricultural workers to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of these provisions may, within one year thereafter, file a civil lawsuit against the offending employer, using a private attorney or public legal service provider. If the complaint is sustained, the court may order the complainant's reinstatement on the job, reinstatement of benefits, compensation for lost wages, and payment of reasonable court costs and attorney's fees. In addition, the court may order assessment of a civil penalty against the employer, ranging from \$10,000 for the first violation to \$20,000 for each subsequent violation.

New York

● GENERAL LABOR LAWS (*RETALIATORY ACTION BY EMPLOYERS*)

STATUTORY CITATION: N.Y. Labor Law § 740

GENERAL SUMMARY: Employers in New York are prohibited from taking retaliatory personnel action against an employee because the employee discloses, or threatens to disclose, to a supervisor or to a public agency or official an activity, policy or practice of the employer that is in violation of a law or regulation, when the violation presents a substantial and specific danger to public health or safety. Employers are also forbidden to retaliate against a worker for (1) providing information to or testifying before any public body conducting an investigation, hearing or inquiry into an employer's violation of a law or regulation, or (2) refusing or objecting to participation in an activity, policy or practice in violation of a law or regulation.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions apply to agricultural and non-agricultural employment, without distinction.

SPECIAL NOTES OR ADVISORIES

REQUIRED NOTIFICATION — The protection of an employee against retaliation for disclosing an employer's unlawful activity to a public agency or official does not apply unless the employee has brought the unlawful activity to the attention of a supervisor and has afforded the employer a reasonable opportunity to take corrective action.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — An employee who has been the target of a retaliatory personnel action in violation of these provisions may file a civil suit against the employer involved, using a private attorney or public legal service provider. Such a suit must commence no later than one year after the date of the alleged retaliation. If the worker's complaint is found to be valid, the court may reinstate the worker, compensate the worker for lost wages and benefits, and award reasonable attorney's fees and court costs.

Ohio

● WHISTLEBLOWER'S PROTECTION LAW

STATUTORY CITATION: Ohio Rev. Code §§ 4113.51 – 4113.53

GENERAL SUMMARY: An employee who learns of a violation of a federal or state law that his or her employer has authority to correct, and who reasonably believes that the violation is a criminal offense likely to cause imminent risk of physical harm to people or a hazard to public health or safety, is required to notify a supervisor or other responsible officer of the violation, in writing and in sufficient detail. If the employer does not correct the violation or make a reasonable and good-faith effort to do so within 24 hours after the employee's report to a supervisor, the employee may file a written report of the matter with a prosecuting attorney, a peace officer or other appropriate public official or agency.

In general, it is illegal for an employer to take any disciplinary or retaliatory action against an employee for making any such report.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions protect virtually all Ohio workers, and apply to virtually all Ohio employers, both agricultural and non-agricultural alike.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If an employer takes any disciplinary or retaliatory action against a worker because the worker reported unlawful activity within the employer's authority to correct, the worker may file suit in civil court for relief, using a private attorney or public legal service provider. The suit must be commenced within 180 days after the date the disciplinary or retaliatory action was taken. If the suit is successful, the court may award the worker back wages, reinstatement of employment and benefits, court costs and reasonable attorney's fees.

Oregon

● CIVIL RIGHTS LAWS (*WHISTLEBLOWING*)

STATUTORY CITATION: Or. Rev. Stat. § 659A.199

GENERAL SUMMARY: Chapter 659A of the state statutes includes a provision declaring it an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to the terms and conditions of employment, because the employee has in good faith reported information that he or she believes is evidence of a violation of a state or federal law or regulation.

PROVISIONS APPLICABLE TO AGRICULTURE: The state whistleblower provision applies to virtually all Oregon employers, both agricultural and non-agricultural alike.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for an employer to retaliate against an employee because the employee has filed an administrative complaint with the enforcement agency charging a violation of the whistleblower provision.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764).* Any person who has been subjected to discrimination or retaliation by his or her employer for having reported evidence of a violation of state or federal law may file a written complaint with this agency, which is obligated to investigate the charge and take action to resolve it. A complaint must be filed no later than one year after the alleged discriminatory or retaliatory action occurred.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — In lieu of filing an administrative complaint with the Bureau of Labor and Industries, an aggrieved worker may take legal action in civil court against the employer involved, using a private attorney or public legal service provider.

Rhode Island

● RHODE ISLAND WHISTLEBLOWERS' PROTECTION ACT

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-50-1 – 28-50-9

GENERAL SUMMARY: It is illegal for an employer to discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation and other terms, conditions and privileges of employment for any of the following reasons:

- (1) The employee, or a person acting on the employee's behalf, has reported or is planning to report to a public agency or official a violation of state or federal law, whether the violation is about to occur or has already occurred.
- (2) The employee has been asked by a public agency or official to participate in an investigation, hearing or inquiry held by an agency or court of law.
- (3) The employee refuses to violate or assist in violating a federal, state or local law.
- (4) The employee has reported to the employer or to the employee's supervisor a violation of law that the employee believes has occurred or is about to occur.

PROVISIONS APPLICABLE TO AGRICULTURE: The Act applies to agricultural employers and protects agricultural workers to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A person who alleges a violation of the Whistleblowers' Protection Act may file an action in civil court for injunctive relief, actual damages, or both, within 3 years after the occurrence of the alleged violation. Upon finding in the complainant's favor, the court may order reinstatement of the worker to the previous job, payment of back wages, and reinstatement of benefits, and may award court costs and attorney's fees.

Tennessee

● WHISTLEBLOWER LAW

STATUTORY CITATION: Tenn. Code § 50-1-304

GENERAL SUMMARY: No employee may be fired solely for refusing to participate in, or for refusing to remain silent about, activities that are in violation of state or federal law or any regulation intended to protect the public health, safety or welfare.

PROVISIONS APPLICABLE TO AGRICULTURE: Tennessee's whistleblower provision protects agricultural workers and applies to agricultural employers to the same extent as their non-agricultural counterparts.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker terminated in violation of this provision may take action in civil court against the employer involved, using a private attorney or public legal service provider.