

The Whistleblower Protection Law

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It was not until 1986 when a law protecting whistleblowers is made. Congress added an anti-retaliation protection to the then existing False Claims Act.

A whistleblower is a person who tells on something he believes is an illegal act. The employees are the most commonly known whistleblower. They tell on their employers which they suspect is doing or committing an illegal act.

Under the Whistleblower Protection Law, the employee should not be discharged, denoted, suspended, threatened or harassed in any form that discriminates the terms and conditions of his employment because of the legal act done by the employee.

The employee may be of aid in many ways possible on the investigation, testimony and the likes. However there are some constraints under the whistleblower protection law.

Reporting illegal acts that are only within the company is a ground for exemption. But still there may be public policies that could protect the employee from retaliation

If it turns out that an employer didn't actually break a law, the employee is still entitled to whistle blower protection from retaliation, if he reasonably believed that the employer committed an illegal act.

The whistleblower protection law does not cover employer retaliation for complaints about personal loathe. Office politics is not to be used as a basis for filing a complaint against the employer and use the whistleblower protection for personal gain.

In order for the employee to be protected from employer retaliation, he may the have a suspected desecration of any Federal Law. But the supposed violation should have provisions that the law violated will protect whistleblowers.

The Whistleblower Federal Law, unlike the False Claims Act, allows the whistleblower to file a lawsuit in a federal court. The Federal Whistleblower Law does not permit the whistleblower to go directly to the court.

The individuals concerned are pursued administratively. These individuals concerned could file a complaint or charge to retaliate with or without a lawyer to represent them. However if the case is not resolved immediately, the administrative law judge may then preside over the only evidentiary hearing that may take place.

A whistleblower should not attempt to delay an investigation of the possible legal remedy. To maintain this ruling, the retaliation should then be brought to the attention of an appropriate government official within 30 days, else the complaint could not be pursued.

Most states have some sort of statutory or common law "whistleblower" or anti-retaliation laws. Like the federal whistleblower laws, not every lawyer will know about these laws, especially laws outside their own state.

These states and the District of Columbia have recognized a public policy exception to the "employment at will doctrine": Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Some states have explicit statutory protections for whistleblowers. These include: California, Connecticut, Delaware, Florida, Hawaii, Louisiana, Maine, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, and Washington.

There are also state laws that offer special protections just for their own state or local government employees: Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia and Wisconsin. James Monahan is the owner and Senior Editor of WhistleblowerBuzz.com and writes expert articles about whistleblowers.