

New York State Department of Labor

Employers Cannot Retaliate Against You For Reporting Labor Law Violations

As of April 9, 2011, a change in the New York State Labor Law gives even more protection to employees who complain to their employer about violations or who report violations to the Department of Labor.

Section 215 of the New York State Labor Law makes it illegal for employers to discharge, penalize, or in any manner discriminate or retaliate against an employee for:

- Making a complaint about a possible labor law violation to the employer
- Making a complaint to the Labor Department
- Providing information to the Labor Department
- Testifying in an investigation or other proceeding under Labor Law
- Exercising any rights that are protected under Labor Law

Or because the employer has received an adverse determination from the Labor Department that involves the employee.

If an employer violates this law, the New York State Department of Labor can:

- Assess a penalty from \$1,000 to \$20,000
- Order payment of lost compensation to the employee. This is also a change in the law. (The Labor Department did not previously have this power.)
- Order payment of damages

The employee also can bring a private civil action in court. The employee has two years to start such a legal action.

If the employee wins, the court may order:

- Reinstatement of the employee to his or her former position
- Restoration of seniority
- Payment of lost compensation
- Damages up to \$20,000 per employee
- Reasonable attorneys' fees

What is retaliation?

Retaliation can be any unfavorable action against an employee for complaining about labor law violations or reporting them to the authorities. It can take many forms. These actions could be considered retaliatory under certain circumstances:

- Dismissal from employment
- Cut in work hours
- Reschedule for less desired hours

- Reassign to less desired work location
- Cut in pay
- Failure to give promised or customary raise
- Disciplinary action
- More intensive or critical supervision
- Demotion or transfer
- Withdrawal of previously allowed privileges
- Assignment to more difficult duties
- Demanding increased production

This list does not cover all possibilities. If you have questions, contact the Division of Labor Standards.

What can you do?

You have the right to:

- Find out what the Labor Law requires
- Ask your employer to fix a possible violation of the Labor Law
- File a complaint with the Labor Department
- Pursue all wages owed to you either through the Labor Department or through a private legal action
- Give information to the Labor Department
- Answer truthfully when interviewed by a Labor Department investigator.
- Testify in an official proceeding under the Labor Law
- Not be dismissed or discriminated against because you exercised any of your rights under the Labor Law

All workers have these rights, regardless of their citizenship or immigration status.

Contact the NYS Department of Labor, Division of Labor Standards:

Phone: **1-888-52-LABOR**

E-mail: **LSAsk@labor.ny.gov**