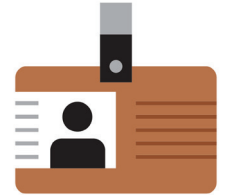




## PHILLIPS LYTLE LLP CLIENT ALERT FOR BNHRA MEMBERS LABOR & EMPLOYMENT

FEBRUARY 2022



### *New York State Department of Labor Issues Whistleblower Law Notice*

We recently reported in [“New York State Expands Workplace Whistleblower Protections”](#)<sup>1</sup> that Section 740 of the New York Labor Law was amended effective January 26, 2022, to significantly expand protections for workplace whistleblowers outside of health care. Before the amendment, such whistleblowers were protected only if they disclosed activity that actually violated a law, rule or regulation and which presented a substantial and specific danger to the public health or safety. The amendment expands the law’s protections by, among other things, now protecting employees who disclose an activity, policy or practice that they only reasonably believe violates a law, rule or regulation or that they reasonably believe poses a substantial and specific danger to the public health or safety. This reasonable belief standard now aligns with that for health care employees.

The amendment also requires that employers inform employees of their protections, rights and obligations under

the law by posting a notice “conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.” The New York State Department of Labor (DOL) has issued a [“Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740”](#) (PDF)<sup>2</sup> that employers can use to meet the posting requirement.

Employers should now post the DOL notice, or an otherwise compliant notice, and train their supervisors and human resources personnel about the law’s requirements and protections.

#### Additional Assistance

*For further assistance, please contact any of the attorneys on our [Labor & Employment Practice Team](#) or the [Phillips Lytle attorney](#) with whom you have a relationship. ■*

1 <https://phillipslytle.com/publications/client-alert/new-york-state-expands-workplace-whistleblower-protections/>

2 [https://dol.ny.gov/system/files/documents/2022/02/l740\\_1.pdf](https://dol.ny.gov/system/files/documents/2022/02/l740_1.pdf)



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