

The 12 Days of California Labor and Employment Series – Day 8 “Required Whistleblower Notices”

2 min read

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In the spirit of the season, we are using our annual “12 Days of California Labor and Employment” blog series to address new California laws and their impact on employers. On the eighth day of the holidays, my labor and employment attorney gave to me eight maids a-milking and SB 2299.

Whistleblower Required Notice

Pursuant to California Labor Code Section 1102.5, employers are prohibited from retaliating against whistleblower employees who inform the government or police about the employer’s violation of the law.

Existing law already requires employers to prominently display employees’ whistleblower rights. SB 2299 now requires the Labor Commissioner to develop a model list of employees’ rights and responsibilities under California’s whistleblower laws, which the employer must also post.



Rights and Responsibilities

The Labor Commissioner was tasked with developing a model list of employees’ rights and responsibilities under the whistleblower laws. Once completed, it was required to be accessible on the Labor Commissioner’s online website so that it is reasonably accessible to an employer.

Since SB 2299 was enacted, the Labor Commissioner has drafted the model list of rights and responsibilities, which is now available for access here: <https://www.dir.ca.gov/dlse/WhistleblowersNotice.pdf>.

Who is Protected?

Employees are defined as any person employed by a private or public employer, including, but not limited to, individuals employed by the state or any subdivision thereof, any county or city, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California.

Protections

The notice that was drafted notes four protections afforded to whistleblowers:

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower or is perceived to be a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised their rights as a whistleblower in any former employment.

Posting Requirements

Employers must take the following steps to comply with SB 2299:

- Print the Notice on 8.5 x 14-inch paper with margins no larger than one-half inch.
- Print the Notice with lettering larger than size 14 point type.
- Include the telephone number of the whistleblower hotline.
- Prominently display the Notice.
- Post the Notice on or before **January 1, 2025**.

An employer is considered compliant with the posting requirement if the employer posts the model list prepared by the Labor Commissioner. For additional information, employers can also visit the Labor Commissioner's website.

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Topics

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