



Safety Violations or Illegal Activity at Work: Your Right to Protection

State and federal laws protect your right to object to unsafe conditions or violations of the law at work without facing employer retaliation.

These laws can be difficult to enforce, so in most cases it is best if you can get the problem corrected by joining together with other workers and getting support from your union, if you have one. But it is also important to know your legal rights.

STATE LAW

New Jersey has a state law called the **Conscientious Employee Protection Act (CEPA)**.

CEPA protects you if you have reasonable concerns that:

- Your employer's conduct violates a law or regulation, or...
- Your employer's conduct threatens public health, safety, welfare, or protection of the environment, or...
- (If in the healthcare field) your employer's conduct is resulting in improper patient care.

You are protected when you:

- Report or threaten to report information to a supervisor or public agency about your employer's illegal or plainly unethical conduct, or...
- Object to or refuse to participate in such conduct.

(However, going to news outlets or the media is not protected by CEPA.)

You may also be protected if the unsafe or illegal conduct concerns another employer such as a subcontractor with whom your own employer has a business relationship, or if the conduct is by one of your coworkers, even if your employer did not authorize or direct that conduct.

A successful lawsuit under CEPA can get your job back, along with a financial award for compensatory and punitive damages.

Here are some basic principles to follow if you are concerned about employer retaliation in violation of CEPA:

IMMEDIATELY CONSULT WITH AN ATTORNEY OR WITH YOUR UNION, IF YOU HAVE ONE.

They can help you take the right steps to protect yourself and avoid mistakes. Your union can help you decide whether to file a grievance. The N.J. Work Environment Council (WEC), a nonprofit coalition of labor, environmental, and community groups, can refer you to attorneys experienced in this kind of law.

TELL YOUR EMPLOYER.

CEPA normally requires that you give your employer written notice and a reasonable chance to correct the problem before you report to a public agency. This does not apply in cases of emergency or if you reasonably fear imminent physical harm. A written notice may not be required if you are reasonably certain that a supervisor or management already knows about the problem.

GET THE FACTS.

What laws or public policies apply?

What possible harm are you concerned about?

SEEK SUPPORT OF CO-WORKERS AND YOUR UNION.

Such support makes it more likely the employer will correct unsafe or unlawful activity without retaliation. It will also make it more likely that you can win a lawsuit if you can show that co-workers agree with you.

DOCUMENT EVERYTHING.

Take careful notes and get witnesses. Consider taking photos unless there is a specific rule against doing so. Keep a copy of all documents.

SHOW THAT YOU ARE REASONABLE.

If you refuse to do a task, make it clear to your employer, preferably in front of witnesses, that you are refusing only a particular job because it is unlawful or unsafe. Offer to perform other work. Maintain a calm and reasonable tone.

OTHER LAWS

One reason to immediately consult with your union or an attorney experienced in this kind of law is that you may have to make decisions about whether to file complaints under several dozen other laws in addition to or instead of CEPA.

This includes the Occupational Safety and Health Act (OSHA), the N.J. Public Employees Occupational Safety and Health Act (PEOSH), the National Labor Relations Act, and many more.

Each of these laws may have different requirements for how soon you must file. Under OSHA, for example, you must file within 30 days from the time you knew you faced employer retaliation, compared to a one-year limit under CEPA.

Complaints under some of these laws may be resolved more quickly or easily than under CEPA, but with lower potential monetary awards.

Filing a complaint under one law or under a union contract may mean you can't file a complaint under another law.

For more information, contact:

N.J. Work Environment Council (WEC)
7 Dunmore Avenue, First Floor East, Ewing, NJ 08618
Phone: (609) 882-6100. Email: info@njwec.org.
And visit: www.njwec.org.

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This fact sheet was produced by the New Jersey Work Environment Council (WEC), a coalition of 70 labor, community, and environmental organizations. Go to www.njwec.org or email us at info@njwec.org.

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