



PHILLIPS LYTLE LLP CLIENT ALERT

LABOR & EMPLOYMENT

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New York State Department of Labor Issues Whistleblower Law Notice

We recently reported in [“New York State Expands Workplace Whistleblower Protections”](https://phillipslytle.com/publications/client-alert/new-york-state-expands-workplace-whistleblower-protections/)¹ 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” \(PDF\)](#)² 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



Phillips Lytle LLP

Albany Omni Plaza 30 South Pearl Street Albany, NY 12207-1537 (518) 472-1224

Buffalo One Canalside 125 Main Street Buffalo, NY 14203-2887 (716) 847-8400

Chautauqua 201 West Third Street Suite 205 Jamestown, NY 14701-4907 (716) 664-3906

Garden City 1205 Franklin Avenue Plaza Suite 390 Garden City, NY 11530-1629 (516) 742-5201

New York City 620 Eighth Ave 38th Floor New York, NY 10018-1442 (212) 759-4888

Rochester 28 East Main Street Suite 1400 Rochester, NY 14614-1935 (585) 238-2000

Washington, DC 1101 Pennsylvania Avenue NW Suite 300 Washington, DC 20004-2514 (202) 617-2700

Canada The Communitech Hub 151 Charles Street West Suite 100 The Tannery Kitchener, Ontario N2G 1H6 Canada (519) 570-4800