**Whistle Blower and Retaliation**

It is unlawful under both federal and Connecticut law for an employer to retaliate against an employee because an employee has reported or complained of discrimination, harassment, filed a workers’ compensation claim, testified in a legal proceeding, filed for family or medical leave, reported conduct believed to be illegal, fraudulent or against public policy, reported OSHA violations or other workplace safety violations, and for reporting that a co-employee has been or is being subjected to unlawful harassment or discrimination in the workplace.

State and federal law protect employees who oppose or object to unlawful or unethical activities by their employers. If the employer takes adverse action against the employee such as by demoting, harassing or terminating the employee, the employee has the right to file a lawsuit. Under Connecticut law, you have two years from the date of the retaliation to bring a lawsuit. In many instances, you must first file your retaliation claim with the CHRO. There is a 180 day time deadline from the date of the retaliation in which to file the complaint with the CHRO.

In 1986, Congress added anti-retaliation protections to the False Claims Act. These provisions, which did not exist previously, are contained in 31 U.S.C. Sec. 3730(h): Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of his employer or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.

The protection against retaliation extends to whistleblowers whose allegations could legitimately support a False Claims Act case even if the case is never filed. The whistleblower plaintiff is entitled to reinstatement with seniority, double back pay, interest, special damages sustained as a result of discriminatory treatment, and attorney’s fees and costs. To establish a Sec. 3730(h) retaliatory discharge claim, the whistleblower must engage in conduct protected by the False Claims Act. Second, the courts require a showing that the defendant have some notice of the protected conduct that the whistleblower was either taking action in furtherance of a qui tam action or assisting in an investigation or actions brought by the Government. Finally, the whistleblower must show that the termination was in retaliation for the protected activities. A False Claims Act qui tam case can include whistleblower claims and other legal claims based upon other state and federal laws.

There are dozens of federal laws protecting whistleblowers or otherwise designed to protect workers from retaliation or other illegal treatment. Unlike the False Claims Act, which allows a whistleblower to file a lawsuit in federal court, many of the federal whistleblower laws do not permit a whistleblower to go directly to court, but instead are to be pursued "administratively." Congress designed many of these laws so that an individual, with or without an attorney, may make a simple complaint or "charge" of retaliatory discrimination to a federal government agency. If not resolved administratively, an administrative law judge may preside over the only evidentiary hearing that will take place.

*The information here and elsewhere on this site intended solely as background. You should not take it to be legal advice, nor does it create an attorney-client relationship. If you have a legal question, please consult an attorney directly.*