

Resources

Dykema's 2020 Employer Update, Session 5: Are You Prepared for a New Wave of Whistleblower / Retaliation Claims?

October 27, 2020

COVID-19 impacts employers in various ways, including the frequency of claims made by employees. Claims of retaliation and/or whistleblower protection have been in place for a long time, but with COVID-19 safety concerns, return to work issues and continued use of telework, the potential for claims rises. It is commonly known that OSHA protects individuals from adverse employment action when those individuals assert OSHA safety concerns. Lesser known is that OSHA enforces 23 retaliation/whistleblower protection provisions, and that the NLRA protects employees, including non-union employees, who raise concerns regarding working conditions. FLSA also protects employees from retaliation for raising certain concerns about pay. With teleworking increasing, employees may be more likely to believe they are being paid incorrectly and raise this concern to employers or the DOL. The ADA also protects employees who request an accommodation, a frequent occurrence during a pandemic. Other laws to consider: ACA, Sarbanes Oxley, False Claims Act, Dodd Frank, Families First Coronavirus Response Act, and state laws, including whistleblower protection statutes. If an allegation of a protected nature is made, whether or not it is valid, and the employee experiences an adverse employment action thereafter, many interpretations of the law find timing alone gives rise to a presumption of retaliation, which the employer must rebut. Retaliation/whistleblower protection waters run deep – this webinar will help employers learn to swim safely.

Tuesday, October 27, 2020

1:00 P.M. - 2:00 P.M. EST

Please contact Sarah Minjoe at sminjoe@dykema.com with questions.

Speakers: **Mel Muskovitz**, Senior Counsel, Ann Arbor; **Dan Stern**, Member, San Antonio

[Click here to view the recording.](#)

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