



# EMPLOYERS CANNOT RETALIATE AGAINST YOU FOR COMPLAINING ABOUT LABOR LAW VIOLATIONS

## SECTION 215 OF THE NEW YORK STATE LABOR LAW

Makes it unlawful for an employer, or anyone on behalf of an employer, to discharge, penalize, or in any manner discriminate or retaliate against an employee for:

- Making a complaint about a possible labor law violation to the Department of Labor or to anyone
- Providing information to the Department of Labor
- Starting a proceeding under the Labor Law
- Testifying in an investigation or other proceeding under Labor Law
- Exercising any rights that are protected under Labor Law
- Causing the employer to receive an adverse determination from the Department of Labor

If an employer violates this law, the New York State Department of Labor can:

- Assess a penalty from \$1,000 to \$10,000 (first offense) or up to \$20,000 (second offense)
- Order payment of lost compensation to the employee
- Order payment of damages
- Any other appropriate relief

The employee also can bring a private civil action in court. The employee has two years from the date of the retaliatory act to start such a legal action.

## WHAT IS RETALIATION?

Retaliation is an action taken against an employee to punish that employee for complaining about labor law violations, providing information to the Department of Labor, or participating in proceedings at the Department of Labor. It can take many forms. These actions could be considered retaliatory under certain circumstances:

- Dismissal from employment
- Cut in work hours
- Reschedule for less desired hours
- Reassign to less desired work location

- Cut in pay
- Disciplinary action
- More intensive or critical supervision
- Demotion or transfer
- Withdrawal of previously allowed privileges
- Assignment to more difficult duties
- Demanding increased production
- Threats to take such actions, and/or threats to subject the employee to a lawsuit or criminal authorities, or deportation authorities

This list does not cover all possibilities. If you have questions, contact the Division of Labor Standards.

## WHAT CAN YOU DO?

You have the right to:

- Find out what the Labor Law requires
- Complain and ask your employer to fix a possible violation of the Labor Law
- File a complaint with the Labor Department
- Pursue all wages owed to you either through the Labor Department or through a private legal action
- Give information to the Labor Department
- Answer truthfully when interviewed by a Labor Department investigator
- Testify in an official proceeding under the Labor Law
- Not be retaliated against (punished) because you exercised any of your rights under the Labor Law
- Take an absence that is legally protected by federal, state, or local law

All workers have these rights, regardless of their citizenship or immigration status.

## CONTACT THE NYS DEPARTMENT OF LABOR, DIVISION OF LABOR STANDARDS

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