

# **THE STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR**

## **THE WHISTLEBLOWERS' PROTECTION ACT RSA 275-E**

Protection is available to employees who report violations of law or refuse to execute illegal directives, participate in investigations, or hearings.

An employer can not discharge, threaten, or discriminate against any employee

IF the employee, in good faith, reports or causes to report an alleged violation

OR participates in an investigation, hearing, or inquiry conducted by any governmental entity or any court

OR the employee refuses to execute a directive which violates any law or rule adopted by this state or political subdivision of the United States.

ONLY if the employee first brought the alleged violation to the attention of a person with supervisory authority unless the employee believes reporting to the employer is futile

### **RIGHTS AND REMEDIES**

A hearing with the N.H. Labor Department which can result in a judgment to order reinstatement, payment of fringe benefits, seniority rights, and injunctive relief would be available

Only after the employee has made a reasonable effort to maintain or restore employee's right through any grievance procedure available

And has filed the written complaint with the N.H. Labor Department.

### **DEFINITIONS**

I. "Employee" means every person who may be permitted, required, or directed by an employer, in consideration of direct or indirect gain or profit, to engage in any employment. Employee does not include an independent contractor.

II. "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, governmental entity, and any common carrier who employs any person. Employer shall include any person acting in the interest of any employer directly or indirectly.

III. "Governmental entity" means any branch, department, commission, bureau, agency, or agent of the government of this state or political subdivision of the state.

Inspection Division

P.O. Box 2076, Concord, NH 03302-2076

Telephone - (603) 271-1492 & 271-3176

Diane M. Symonds

N.H. Commissioner of Labor

**THIS NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE**