

LAWSUITS & LITIGATION

Whistleblowing 101: Protection Laws to Know Before You Speak Up

PAUL SCHINNER — February 10, 2025



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What does it mean to be a whistleblower? Quite simply, a whistleblower in the employment context is someone who raises concern to their employer — verbally or in writing — that the company is violating some law.

Blowing the whistle on corporate misconduct is a big decision because of the real risk that it could result in retaliation. Retaliation may include threatening or punishing the whistleblower with a demotion or even termination. However, many people cannot live with staying silent in the face of illegal conduct, so they courageously take on the risk to do the right thing. Reporting illegal conduct is always a difficult decision to make, but whistleblowers prioritize doing what’s right over what’s easy.

Because whistleblowers protect the public from illegal conduct, state and federal whistleblower protection laws, such as the Whistleblower Protection Act, protect employees from such retaliation.

The Whistleblower Protection Act and Other Whistleblower Protections

Many federal and state statutes protect whistleblowers. The Whistleblower Protection Act of 1989, commonly known as the WPA, shields federal employees from retaliation when they report activity that constitutes a violation of law. The Sarbanes–Oxley Act is another important whistleblower protection law that prohibits retaliation against employees who report unethical or illegal conduct in publicly traded companies in relation to SEC rules and regulations. Many industries have similar laws protecting whistleblower employees. The False Claims Act, which goes back to the Civil War, prohibits retaliation against individuals who report fraud against the government. Also, several states, including Minnesota, have statutes protecting employees who report illegal conduct by their employers.

Remedies under the WPA and other whistleblower protection laws typically include reinstatement and damages for wage and benefit loss, emotional distress, and attorney’s fees and costs.

Your First Steps: Where to Start

The most important thing you can do if you are aware of wrongdoing by your employer is to contact a lawyer experienced in representing whistleblowers to get advice on how best to move forward. Most attorneys will provide guidance at no charge.

A whistleblower attorney can help you determine what information you need to support a whistleblower claim and guide you in presenting your concerns to your employer. Being strategic in how you proceed will provide protection should your employer retaliate against you.

Employment Status: Keep Working, Resign, or Were You Already Fired?

If you are still employed by the company, consult with an attorney before just quitting. Although your situation may be difficult, staying employed may give you opportunities to be vocal about and deter or eliminate illegal practices. Continuing your employment also allows you to gather evidence about illegal conduct, with counsel from your attorney, about the right way to do that. Speaking with an experienced whistleblower attorney before deciding whether to continue working or quit can also help you to plan an exit strategy if needed, which might include looking for another position while you are still employed.

If you have already quit or been fired, it is not too late to consult with an experienced whistleblower attorney who can help you understand your options. Many whistleblower cases are filed by former employees. If you have been treated illegally because you blew the whistle on your company, there may be remedies for any harm you experienced.

How to Build Your Case

The building blocks of any whistleblower case will outline the illegal conduct in terms of who, what, when, where, and how. Evidence that supports claims of illegal conduct can take many forms.

You can write notes about events you have witnessed relating to illegal conduct. Include as much detail as you can remember and write “for my attorney” at the top of the notes, even if you are not represented at the time, to show your purpose is to provide communications for an attorney should you retain one. This writing should be done outside of work hours and on personal devices rather than, for example, a work computer.

Information and documents you have access to as part of your job can be gathered but should not be shown or discussed with anyone except your attorneys.

Audio recordings can be compelling evidence but don’t go out and buy a recording device just yet. Recording people without their express consent may be illegal in certain states, and some companies prohibit such recordings, potentially making this a basis for discipline. Talk to an attorney before recording any conversations so they can guide you through the proper ways to collect evidence.



Statue of man in office chair, blocks on desk spelling out fired; image by Igor Omilae, via Unsplash.com.



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About Paul Schinner

As a member of Halumen Law’s legal team, attorney Paul Schinner offers years of experience in employment law, with keen legal insights, hard-nosed negotiation skills, and a proven record of obtaining successful outcomes. Paul also has extensive experience navigating False Claims Act litigation and has represented whistleblower clients in these complex federal cases across a range of industries.

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