

## Article Published in *Lifestyles Magazine*- July 2004

### Protecting Your Legal Rights-Illinois Whistleblower Act

by: **Joette S. Doran, J.D.**

A whistle blower is an employee who reports or complains of potentially illegal or wrongful conduct committed by an employer. While Illinois common law already existed to prevent an employee from a retaliatory discharge, the recently enacted Whistleblower Act broadens employee protections. For instance, Illinois common law provided an employee protection only from a wrongful termination. The Act now broadens employee protection to cover a wrongful transfer, demotion, reduction in pay, harassment or other adverse employer conduct. In particular, the Act prevents employers from retaliating against an employee who discloses information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a federal or state law, rule or regulation. Of significance, the Act also prohibits retaliation against an employee for refusing to participate in an activity that would result in a violation.

The Act also broadens the definition of an employer to include any individual, sole proprietorship, partnership, firm, corporation, association or any other entity that has one or more employees. The definition of an employee is also expanded to include any individual who is employed on a full-time or part-time or contractual basis by an employer. Under the Act, an employee is entitled to reinstatement of their job, lost wages with interest, costs of suit and reasonable attorney fees. If you are an employee being subjected to harassing or retaliatory behavior in the work place as a result of an act of whistle blowing, you are well advised to review the facts and circumstances surrounding the conduct with legal counsel to be certain that your legal rights are being addressed. For further information, please visit our web site at [www.joettedoran.com](http://www.joettedoran.com)

*\*This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

MS. DORAN IS LICENSED IN ILLINOIS, ALL ILLINOIS FEDERAL COURTS AND IS A MEMBER OF THE FEDERAL TRIAL BAR. SHE IS THE PAST CHAIRPERSON OF THE EMPLOYMENT LAW COMMITTEE FOR THE NORTHWEST SUBURBAN BAR ASSOCIATION AND A PAST PRESIDENT OF BARRINGTON AREA PROFESSIONAL WOMEN.