

SUMMARY OF PENNSYLVANIA WHISTLEBLOWER ACT

Who does the law protect?

The Pennsylvania Whistleblower Law protects anyone “who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person’s superiors, to an agent of the employer or to an appropriate authority.” The appropriate authority means the proper government body, law enforcement agency, or regulatory body. So a whistleblower who merely complains to a co-worker but does not at least threaten to blow the whistle or take reasonable steps toward notifying a superior within the organization or an appropriate outside authority might not get whistleblower protection.

What type of reporting qualifies?

The type of wrongdoing that a whistleblower must allege in order to be protected must be more than a minimal or technical violation and can be any of the following:

- Violations of a Federal or State statute or regulation,
- Violation of City ordinances or regulation
- Violation of a code of conduct or ethics designed to protect the interest of the public or the employer
- Waste- conduct or omissions which result in substantial abuse, misuse, destruction or loss of taxpayer funds or resources

What type of reporting does not qualify?

Whistleblowing that is based more on spite or made with the primary focus on hurting the employer or complaints that the whistleblower should have known weren’t backed up by the facts, do not qualify as a “good faith report” and the whistleblower would not be protected from adverse actions from their employer. In other words, if you report something just to get someone in trouble because you don’t get along with that person rather than genuinely wanting to stop the wrongdoing or wastefulness, you might not get protection. You also might not get protection if you blow the whistle based on rumors with no reason to believe that it might be true and they are ultimately proven to be false.

What protection does a whistleblower get?

Whistleblowers may not be fired, threatened or retaliated against because of their reporting. The agency that the whistleblower reports to is prohibited from disclosing the identity of the whistleblower.

What can a whistleblower do if they are retaliated against for whistleblowing?

If a whistleblower believes they were fired, threatened or retaliated against then they may bring a civil action in state or federal court for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation. A whistleblower bringing such an action must “show by a preponderance of the evidence that, prior to the alleged reprisal, the employee or a person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.” So anyone reporting misconduct who wants to get full whistleblower protection should document any complaints they make (i.e. put it in writing or record your steps as you do it so that it is clear the employer knew you made a complaint).