

Governor Cuomo Signs Bill to Protect Healthcare Whistleblowers from Retaliation in The Context of The Pandemic

By ML McLaren

Governor Cuomo has signed an order to strengthen whistleblower protections for New York State's health care workers. Described as, "An act to amend the labor law, in relation to prohibiting health care employers from penalizing employees because of complaints of employer violations," New York Senate Bill S8397-A/A.10326 was sponsored by NYS Senator.

Diane J. Savino and co-sponsored by NYS Senators Alessandra Biaggi, David Carlucci, Leroy Comrie, and Robert Jackson.

The New York State Senate's website states that the new legislation "prohibits health care employers from penalizing employees because of complaints of employer violations," providing "health

"This is not new legislation," whistleblower attorney Steve Halperin comments, "New York has a healthcare whistleblower protection statute dating back to 2014. Governor Cuomo's initiative is, nevertheless, a remarkable tool to show support for healthcare workers during the pandemic." Halperin advises whistleblowers in high-profile cases at the Halperin Bikel law firm.

care workers with greater whistleblower protections in the State of New York, so that patient care can improve and such workers can be safe."

The act amends New York State's labor law, creating "a new definition of 'improper quality of workplace safety,' where an employee is protected from employer retaliation if they report violations of this category." Under the amended legislation, employees are also protected from retaliation if they report violations to news organizations or social media.

Undoubtedly, healthcare professionals will now feel safer as they report violations in the stressful environment of the pandemic. This will likely contribute to improving safety for both patients and workers.

“Employees and local governments all have to be responsible and do their jobs to help prevent a renewed spread of this virus,” Governor Cuomo stated, “New Yorkers have done an incredible job in working to beat back this virus, and we must continue to remain smart, so we don’t erase the progress we’ve made.”

NYS Senator Diane J. Savino emphasized the importance of Governor Cuomo’s “swift action” in signing the bill into law as the state is starting to reopen. “Employees should not have to work in an unsafe environment as we come out of a pandemic,” Savino said, “especially those in the healthcare field. We must ensure all protections are given to individuals if they sound the alarm on unsafe worksites.”

“This is not new legislation,” whistleblower attorney Steve Halperin comments, “New York has a healthcare whistleblower protection statute dating back to 2014. Governor Cuomo’s initiative is, nevertheless, a remarkable tool to show support for healthcare workers during the pandemic.” Halperin advises whistleblowers in high-profile cases at the Halperin Bikel law firm.

In line with Halperin’s views, the legislation’s sponsors wrote, “Providing this protection would show that workers’ voices are valued and respected when it comes to providing patient care.” ■