



Testimony of Eric W. Gjede
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Before the Judiciary Committee
Hartford, CT
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Testifying in opposition to HB 5402

**AN ACT CONCERNING THE EXTENSION OF WHISTLE-BLOWER PROTECTIONS TO AN EMPLOYEE WHO REPORTS
A SUSPECTED VIOLATION OF LAW TO THE EMPLOYEE'S SUPERVISOR OR MANAGER**

Good afternoon Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA), which represents more than 10,000 large and small companies throughout the state of Connecticut.

CBIA opposes HB 5402.

HB 5402 significantly expands employers' potential liability in the whistle-blowing arena without protecting those employers from employees acting in bad faith in making improper whistle-blower complaints.

HB 5402 expands Connecticut's whistleblower laws beyond employees properly notifying public authorities of possible violations of law. The bill extends the whistle-blower notice to "managers" and "supervisors" within the company. Under this legislation, the following scenario could occur:

An employee has an existing disciplinary matter with his employer. That employee then claims that he notified his "supervisor" or "manager" erroneously that the employer is in violation of a given law (whether such violation actually exists). And this notification can be verbal, with no requirement that it be documented. The employee then claims that his existing disciplinary matter was in retaliation for his whistle-blower complaint.

This is very problematic. Notifying a "supervisor" or "manager" does not mean that the "manager" or "supervisor" has sufficient knowledge in the area of law where the violation is claimed to have occurred. At least when a whistle-blower claim is made to a public authority, that authority has sufficient knowledge to determine whether there is sufficient evidence to substantiate such claim. And a public authority has the duty to document the complaint.

Furthermore, under HB 5402, the definitions of "supervisor" and "manager" are very broad. These definitions could be read to include fellow co-workers who have certain leadership responsibilities.

Finally, the bill significantly expands the damages available to such employees. This expansion goes too far, especially considering that under HB 5402 the employer is not protected from the potential erroneous whistle-blower claim described above.

For these reasons, CBIA asks this committee to reject HB 5402.