

Whistleblower Claims

The New Jersey Conscientious Employee Protection Act (CEPA) is often considered one of the strongest whistleblower protection laws in the country. Under CEPA, an employee can claim retaliation if they experienced an “adverse employment action” such as termination, demotion or harassment after engaging in a “protected activity” such as disclosing (or threatening to disclose) behavior they believe is illegal, fraudulent, criminal, or incompatible with a clearly stated policy. To successfully defend a CEPA claim, our team carefully analyzes all available facts with the goal of dismantling the case by disproving one or more of its core elements. This strategy includes challenging whether the employee’s belief about the illegality of the activity was objectively reasonable, proving that the employee’s action was not a protected activity under CEPA, and arguing that the employer’s action was not an “adverse employment action” as defined by law. Importantly, it is essential to prove that there was no “causal connection” between the protected activity and the adverse employment action by demonstrating a legitimate, non-retaliatory business reason for the employer’s actions. Our team has successfully defended employers in both the public and private sectors against all forms of retaliation claims brought under CEPA, in both state and federal courts.

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