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## Press Release

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### **The NJ Work Environment Council, NJ Industrial Union Council, and 25 other Environmental, Labor and Community Organizations Applaud NJ Supreme Court Decision Upholding State's Whistleblower Law**

The NJ Supreme Court ruling today in Lippman v. Ethicon assures that the Conscientious Employee Protection Act (CEPA) will remain a viable statute. The court rejected the argument that employees would not have whistleblower protection if identifying health and safety issues is part of their regular job duties.

The New Jersey Work Environment Council, New Jersey State Industrial Union Council, and 25 other community, labor and environmental groups filed a friend of the court brief asking the Supreme Court to uphold the state's landmark whistleblower law.

Whistleblower protection has been proven to be a key way to protect public health and safety. The NJ Supreme Court's decision is an affirmation of arguments made at a hearing in late January 2015, that employees who serve the public interest by reporting health and safety issues are protected from employer retaliation.

The court upheld that CEPA protections apply to workers with jobs that include watchdog responsibilities. There is no exclusion in the law for watchdog employees as argued by the defendant. The court also ruled that watchdog employees do not have to demonstrate that they exhausted all internal complaint processes prior to being protected as whistleblowers.

“Plant safety inspectors are most likely to uncover workplace hazards, nurses are most likely to uncover threats to patient safety and health, pollution monitors are more likely to uncover environmental danger. Removing the fear of retaliation benefits all New Jerseyans, whether or not we complain about illegal activity at work,” said Andrew Dwyer, employment attorney who argued the amicus brief.

“We feel like we saved CEPA with this decision. If the Court had agreed with the employers’ argument it would have opened a statutory hole big enough to drive a truck through and few, if any, employees would be able to rely upon its protections,” said Bennet D. Zurofsky, one of the attorneys who worked on the amicus brief.

“This decision not only protects employees, it protects all of us by making it more likely violations get reported. This includes violations affecting public safety and health, the environment, and financial security of individual households and businesses. WEC is proud to stand with the 26 other organizations that submitted the amicus brief,” said Debra Coyle McFadden, Interim Director of the New Jersey Work Environment Council.

“Public agencies today often have difficulty identifying resources to effectively enforce laws. In this context, whistleblowers play a crucial role in identifying hazards and getting them corrected,” said Rev. Fletcher Harper, WEC Board President and executive director of GreenFaith, a group that unites people of diverse religious faiths on environmental issues. “They are the community’s eyes and ears on the job, and this decision reinforces that they must not be silenced.”

“This is a great day for the public welfare, for worker safety, and for the environment because now workers don’t have to be fearful of retaliation if they insist upon their employer’s compliance with the law,” said Carol Gay, President, NJ State Industrial Union Council.

“I am very happy about the decision,” said John Pajak, President, International Brotherhood of Teamsters (IBT) Local 877 who works at the Phillips 66 refinery in Linden.” This is a win for workers and the community alike.”

“Every health care worker has a responsibility to report violations that affect patient safety,” said Bernie Gerard, vice president of Health Professionals and Allied Employees (HPAE), the state’s largest health care union. “Removing whistleblower protection would have been a huge blow to quality patient care.”

“Protecting whistleblower rights is critical to protect our environment,” said Doug O’Malley, Director of Environment New Jersey. “Today’s decision is a victory for more eyes and ears on the job to prevent environmental disasters.”

The organizations that submitted the friend of the court brief to the NJ Supreme Court were the American Federation of Teachers-NJ; Burlington County Central Labor Council; CATA - The Farmworker Support Committee/El Comite de Apoyo a los Trabajadores Agrícolas; Clean Water Action New Jersey; Communications Workers of America District 1; Concerned Citizen Coalition of Long Branch; Delaware Riverkeeper Network; Environment New Jersey; GreenFaith; Hackensack Riverkeeper; Health Professionals and Allied Employees AFT; International Brotherhood of Teamsters Local 469; International Brotherhood of Teamsters Local 877; National Employment Lawyers Association/New Jersey; New Jersey Citizen Action; New Jersey Education Association; New Jersey Environmental Lobby; New Jersey Public Interest Research Group; New Jersey State Industrial Union Council; New Jersey State Laborers Health and Safety Fund; New Jersey Work Environment Council; New Labor; NY/NJ Baykeeper; Public Employees for Environmental Responsibility; Raritan Headwaters Association; United Steelworkers District 4; and Utility Workers Union of America Local 534.

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