

Fact Sheet #62R: What protections are there for “whistleblowers”?

This fact sheet provides general information concerning whistleblower protections under the H-1B program.

The H-1B employer is prohibited from retaliating against any U.S. or H-1B worker (current employee, former employee, or job applicant) because the employee has disclosed any information to the employer or any other person or entity about an employer's alleged failure to comply with any of the H-1B provisions, or because the employee has cooperated in an enforcement activity.

What employer actions are prohibited?

Employers are specifically prohibited from intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against a worker who has exercised his/her rights under the H-1B program.

Are there penalties for violating these provisions?

Yes. Employers who violate these provisions are subject to penalties up to \$5,000 per violation, and a two-year debarment.

What are the remedies for workers who suffer illegal retaliation?

The Administrator of the Wage and Hour Division may impose such other administrative remedies as the Administrator determines to be appropriate, including, but not limited to, reinstatement of workers who were discriminated against, reinstatement of displaced U.S. workers, back wages to workers who have been displaced or whose employment has been terminated in violation of these provisions, or other appropriate legal or equitable remedies.

All requirements listed above can be found in 20 CFR § 655 Subparts H & I and the Immigration and Nationality Act § 212(n).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.