

GCs Urged to Act Before Employees Become Whistleblowers

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Joseph Sirbak was quoted in a Legal Dive article discussing how the Supreme Court's ruling in *Murray v. UBS* has altered the landscape for whistleblower litigation, highlighting the importance of employer responsiveness to employee reports of misconduct. This decision shifts the burden of proof onto employers, requiring them to demonstrate they would have taken the same adverse action against an employee regardless of their whistleblowing activity.

Joe warns that rewriting employment contracts is ineffective in response to the ruling as language is built into Sarbanes-Oxley to prevent employers from contracting around the statute. Instead, he suggests, "In cases where an employee has engaged in protected activity, in-house counsel will want to be involved before adverse personnel decisions are made. Once a claim is filed, it's too late." This reiterates the importance of a workplace culture where employees feel heard and supported. With whistleblowing cases rising and the SEC's Whistleblower Program awarding a record total in FY 2023, this decision could potentially tilt the playing field in favor of employees. Joe stresses, "It's going to come down to having consistent personnel actions and documenting that consistency."

To read more, [click here](#).

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