

# O'Brien House "Whistle Blower" Policy

The O'Brien House conducts its affairs ethically and in compliance with all Louisiana and federal law. If you suspect that an employee or client is engaged in improper conduct, including suspected financial improprieties or misuse of organization funds", you have the duty to inform administration and other supervisory staff as indicated on the Organizational Chart.

Louisiana law provides that, "the employer may not take any reprisal against an employee who advises the employer that the business is in violation of a law and the employee either discloses, threatens to disclose or testifies about the violation of law, or the employee objects to or refuses to participate in an employment act in violation of law.

I. The substance of the Louisiana Statute is reproduced below:

Employee protection from reprisal; prohibited practices; remedies

- A. An employer shall not take reprisal against an employee who in good faith and after advising the employer of the violation of law:
  - (1) Discloses or threatens to disclose a workplace act or practice that is in violation of state law.
  - (2) Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of law.
  - (3) Objects to or refuses to participate in an employment act or practice that is in violation of law.
  
- B. An employee may commence civil action in a district court where the violation occurred against any employer who engages in a practice prohibited by Subsection A of this Section. If the court finds the provision of Subsection A of this Section has been violated, the plaintiff may recover from the employer damages, reasonable attorney fees, and court costs.
  
- C. For the purposes of this section, the following terms shall have the definitions ascribed below:
  - (1) "Reprisal" includes firing, layoff, loss of benefits or any discriminatory action the court finds was taken as a result of an action by the employee that is protected under Subsection A of this Section; however, nothing in this Section shall prohibit an employer from enforcing an established employment policy, procedure or practice or exempt an employee from compliance with such.
  - (2) "Damages" include compensatory damages, back pay, benefits, reinstatement, reasonable attorney fees and court costs resulting from the reprisal.

- D. If suit or complaint is brought in bad faith or if it should be determined by a court that the employer's act or practice was not in violation of the law, the employer may be entitled to reasonable attorney fees and court costs from the employee.
- E. Employee Protection: "Louisiana employees may not be disciplined or discharged at-will for:"
- Being called to military service
  - Political opinions or voting
  - Exercising right of association
  - Wage garnishment
  - Filing workers' compensation claim
  - Being called to jury duty
- II. There is a complaint procedure for reporting concerns or complaints as indicated in the O'Brien House Policies and Procedures Manual.