



AB 333–Whistleblower protection

SUMMARY

AB 333 will extend whistleblower protections to those who investigate complaints against state and local government facilities.

BACKGROUND

In 1937, Labor Code § 1102.5 was created to protect employees from retaliation; in the event that an employee wishes to speak out against an employer for a policy violation, it states the employer cannot prevent them from doing so, nor can they retaliate thereafter. However, this section does not apply to contracted employees, who would thereby be risking the security of their contracts if they were to disclose that an employer is breaking the law.

An example of a position commonly held by independent contractors is that of Patient Rights Advocates (PRAs), whose job is to oversee that patients in psychiatric facilities understand their rights, attend their civil hearings, and are well cared for. This job entails many duties, one of which is to receive and respond to patient complaints of abuse or neglect. With reasonable cause, a PRA would reach out to state regulatory officials to report a violation, and should they be contracted with the very facility they must report allegations against, they would not have legal protection from retaliation.

Over the years, there have been reports of retaliation against those who investigate complaints from government facilities who were only guilty of conducting the advocacy work for which they were hired. The retaliation could come in the form of a contract not being renewed, and there are no whistleblower protections in place for them. Since the job of a PRA exists to govern the wellbeing of patients – not the hospitals in which they reside – this bill seeks to protect those individuals and the populations whom they serve.

AB 333 is especially relevant in this sensitive time during which we are seeing a growing number of allegations of sexual harassment and assault. This bill could serve as a bridge for victims of sexual harassment or abuse who are in these facilities to come forward, and to hold their accusers accountable without fear of retaliation that is not technically as illegal, at this time.

THIS BILL

This bill serves to protect those who investigate complaints against state and local government facilities from retaliation; in the event that they must disclose that their contracted employer violated a policy. AB 333 will provide a layer of whistleblower protection not currently seen by employees in contracted positions, by extending to them the invaluable retaliation protection afforded by Labor Code §1102.5.

SUPPORT

CAMHPRA (Sponsor)
CA Behavioral Health Planning Council

FOR MORE INFORMATION

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