



employee whistleblowing claims under the california labor code just got harder to defeat

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MSK Client Alert

January 31, 2022

Last week, the California Supreme Court clarified the evidentiary standard for whistleblower retaliation claims brought under California Labor Code section 1102.5. In its decision, the high court clarified that such claims should *not* be evaluated under the *McDonnell Douglas* test, but that the standard set forth in the more employee-friendly California Labor Code section 1102.6 should apply instead.

Background

In *Lawson v. PPG Architectural Finishes Inc.*, a former territory manager sued his former employer under California Labor Code section 1102.5 for firing him after he reported allegedly fraudulent practices. The federal trial court granted the employer's motion for summary judgement by applying the *McDonnell Douglas* test.

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