



Interpretive Notice & Formal Opinion (“INFO”) #5: Summary: Retaliation or Interference Against Exercising Labor Rights

Summary: It’s **illegal** to **interfere** with, or **retaliate** against, people **exercising rights** under various laws.

What’s “Protected Activity” That It’s Illegal to Retaliate or Interfere Against [Details in [INFO #5A](#)]

- **claiming wage rights:** minimum wage, overtime pay, rest/meal breaks, pay earned for time worked, etc.
- **using paid or unpaid leave for health or safety** needs, or requesting disability accommodations
- **raising concerns** about workplace **health and safety practices**, or **using personal protective** equipment
- **claiming agricultural work safety rights** such as heat protection (water, shade, etc.) or access to services
- **discussing, or refusing to disclose, pay rates** from current or past jobs
- **concerted activity**, such as **union activity** or other types of advocacy for pay or work conditions
- **complaining of, or opposing, violations** of these rights ¹

“Adverse Action” That Is Illegal If It Retaliates or Interferes with Protected Activity [Details in [INFO #5A](#)]

- termination, demotion, or undesired transfer
- cutting pay, hours, or work benefits or privileges
- suspension or discipline
- filing meritless complaints or charges
- a hostile work environment
- reporting immigration status
- threatening any of the above, or **any other acts that may deter protected activity**

Compliance Responsibilities: Notice of Rights; Interference; Unlawful Waivers [Details in [INFO #5B](#)]

- **Workers must get effective notices of their rights**, by a mix of posters and individual notices — including in Spanish, or often other languages spoken by enough of an employer’s workforce.
- **Policies or agreements waiving certain rights are unlawful**, including those that —
 - **wave or deny wage or paid leave** rights an employee is entitled to, or
 - **limit disclosure of information** about workplace **health, safety, or pay rates**.

Complaints, Investigations, and Remedies [Details in [INFO #5C](#)]

- Some complaint types can be filed in this Division, but others must be filed in court.
- Violations may be remedied by varied ways by courts or this Division, including:
 - **finest**, which can be significant in amount, and can be **daily** if violations continue
 - **damages awards**, which can compensate lesser pay for a period after an illegal firing, non-hiring, etc., and in some cases can include emotional distress or punitive damages
 - **attorney fees and other expenses** of a complainant who proves a violation
 - **orders to remedy illegal acts** — **reinstate** illegally fired employees, **change illegal practices**, etc.

For More Information: Visit the Division [website](#), call 303-318-8441, or email cdle_labor_standards@state.co.us.

¹ This Division enforces and interprets some but not all of these retaliation and interference rights, as [INFO #5A](#) explains.