



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

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:
 - **fines**, 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. INFOs are not binding law, but are the Division’s officially approved opinions and notices to employers, employees, and others on how the Division applies and interprets statutes and rules. The Division continues to post and update INFOs on various topics; for up-to-date INFOs, rules, and other materials, visit the Division’s [Laws, Regulations, & Guidance page](#).
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