



Interpretive Notice & Formal Opinion (“INFO”) #5B:

Compliance Duties: Notify Workers of Their Rights; No Unlawful Waivers or Restrictions

Overview: This INFO covers employer responsibility to give workers **notice of their rights**, and the opposite: to **not** have policies or agreements **interfering with or waiving** rights. It covers laws the Division enforces, including on wages and hours, paid leave, and health/safety whistleblowing; [INFO #12D](#) covers other duties to notify agricultural workers of rights. Employers may have other duties under laws outside the Division’s scope.

(I) Unlawful Waivers or Restrictions of Rights

- **No waiver of rights allowed, even if in an agreement or written policy:** Any agreement to “waive” (give up) labor rights is “void” — that is, illegal and not enforceable.¹
- **Can’t prohibit employees from certain disclosures:** Even if an employer can require certain kinds of non-disclosure or confidentiality, an employer can’t prevent a worker from, or punish a worker for:
 - disclosing, comparing, or discussing their **wage rates**;² or
 - disclosing information about **workplace health or safety** practices or hazards.³

(II) Notice of Rights: Posters & Individual Distribution

- **Overview.** Various Colorado labor laws require giving notice of labor rights. How to comply with each posting or distribution requirement is detailed below. Two general points:
 - **Use current versions**, by visiting the Division [INFO](#) and [Poster](#) pages.
 - **No undercutting of required notices.** Complying with posting and distribution requirements includes not minimizing or undercutting those notices — for example, telling employees a right mentioned in a notice doesn’t apply, won’t be followed, or shouldn’t be exercised.⁴

¹ [Colorado Wage Act \(“CWA”\)](#), C.R.S. § 8-4-121 (voiding any agreement “to waive or to modify” rights to any “wages” due); [Healthy Families and Workplaces Act \(“HFWA”\)](#), C.R.S. § 8-13.3-416 (no policy or agreement can “waive” or “diminish an employee’s right to paid sick leave”); [Protected Health/Safety Whistleblower Law \(“PHEW”\)](#), C.R.S. § 8-14.4-102(2) (policy or agreement barring PHEW protected activity “is void and unenforceable”).

E.g., [Action Jackson Auto LLC](#), DLSS Claim #4641-21, at 11 (Hearing Decis. #23-004, Jan. 25, 2023) (“[C]laimant was entitled to \$1,760.00 for 80 hours of COVID leave ... [at their] pay rate of \$22.00 per hour. The owner asserts that the claimant verbally agreed to accept \$1,250.00 ... because the employer was in a bad financial situation. Even if I credited the owner’s assertion ... an agreement to deprive the claimant of owed wages would be void.”) (citing [C.R.S. § 8-4-121](#)).

² [C.R.S. § 8-5-102\(2\)\(d\)-\(f\)](#) (unlawful for to: (d) Take adverse action against “an employee or other person” for asking about or discussing wage rates; (e) “Prohibit, as a condition of employment, an employee from disclosing” their wage rate; or “(f) Require ... a waiver or other document that ... [p]rohibits the employee from disclosing wage rate information”).

³ [C.R.S. § 8-14.4-102\(2\)\(a\)-\(b\)](#) (unlawful to “attempt to require a worker to sign a contract ... that would limit or prevent ... disclosing information about workplace health or safety practices or hazards or to otherwise abide by a workplace policy that would limit or prevent such disclosures.”).

⁴ *E.g.*, [The Denver Post, LLC](#), DLSS Case #21-0018, at 31 (Citation Dec. 2, 2022) (\$36,900 fine for contradicting required notices of rights: “Even where posting and notice is made as required by the relevant statutes and rules, an employer ... defeats the requisite notice — and thus, violates the notice requirements — when it misinforms employees concerning the same rights addressed in the required posters or notices ... undermining the required notice of those rights.”) (citing [Colorado WARNING Rules](#), 7 CCR 1103-11, Rule 4.4 (unlawful to “attempt to minimize the effect of posters or notices required ... such as by communicating positions contrary to, or discouraging the exercise of rights covered in, the required poster or notice”)).

(A) Notice of *Whistleblowing and Personal Protective Equipment Rights*

(under the [Protected Health/Safety Whistleblower Law \(“PHEW”\), C.R.S. Title 8, Article 14.4](#))

- **Coverage.** PHEW requires notice of rights to “workers” (employees and some independent contractors)⁵ by “principals” (a private or public sector employer, or business with enough independent contractors).⁶
- **Contents.** Use the Division’s current [Colorado Workplace Public Health Rights Poster](#), which covers both PHEW and HFWA (point (2) below), *or* use any other poster with the required information.
- **Location and manner.** The posting must be in a conspicuous (obvious) location at every site where workers can easily read it. If a site or other conditions make physical posting impractical (e.g., remote work), the principal must provide each worker a copy within their first month of work.
- **Translation.** If workers have limited English ability, principals must post in any language spoken by at least 5% of the workforce. The Division [poster](#) is available in many languages; principals may request other translations from the Division.

(B) Notice of *Paid Sick Leave Rights*

(under the [Healthy Families & Workplaces Act \(“HFWA”\), C.R.S. Title 8, Article 13.3, Part 4](#))

- **Coverage.** HFWA requires notice of rights to almost all private and public sector employees.⁷
- **Contents.** As the required **posting**, use the Division’s [Colorado Workplace Public Health Rights Poster](#); as the required individual **notice**, use the poster or another notice with the required information.
- **Location and manner.**
 - Employers must **both**:
 - **post** the current [Colorado Workplace Public Health Rights Poster](#) (on HFWA and PHEW); **and**
 - **give each employee a written notice** of their right to paid leave, in the amounts and for the purposes in HFWA, without retaliation.⁸
 - Posters must be conspicuous, accessible, and in each location employees work. For employees with no physical work site, electronic notice can satisfy both the posting and the notice requirements.
 - Employers should give notices to new employees promptly, no later than other onboarding documents — and give current employees any updated notices or postings similarly promptly.
- **Translation.** Employers must provide notices and posters in any first language of at least 5% of their workforce. The Division [poster](#) is available in many languages; employers may request other translations from the Division.

⁵ For specifics on the definitions of covered “principals” and “workers,” see [INFO #5A](#).

⁶ [C.R.S. § 8-14.4-103](#) (requirements for principals to “post notice a worker’s rights” under PHEW, and for the Division to promulgate PHEW notice rules); [Colorado WARNING Rules](#), 7 CCR 1103-11, Rule 4 (PHEW notice rules).

⁷ For the few types of employers and employees not covered by HFWA, see [INFO #6B](#).

⁸ [C.R.S. § 8-13.3-408\(1\)](#); [Colorado WARNING Rules](#), 7 CCR 1103-11, Rule 4.1-2 (HFWA notice rules).

(C) Notices of Wage and Hour Rights

(under [the Colorado Wage Act \("CWA"\)](#), [C.R.S. Title 8, Article 4](#), and the [Colorado Overtime & Minimum Pay Standards \("COMPS"\) Order, 7 CCR 1103-1](#))⁹

- **Coverage.** The CWA and COMPS Order require notice of rights to almost all private sector employees.¹⁰
- **Contents.** Employers must provide notice of both:
 - **wage and hour rights**, as detailed in the Division's [COMPS Poster](#).
 - employees' **regular paydays**, and **time and place of payment**, including any changes.
- **Location and manner.**
 - **Posting.** Display the [COMPS Poster](#), and [Notice of Paydays Poster](#) (or other notice of the regular paydays, and payment time and place), where employees may easily read it during workdays.
 - If physical posting is impractical (like for remote workers, or sites with no place for posters), employees must receive a copy of the poster or notice (or, for COMPS, the Order itself) within their first month of employment.
 - Employers violating COMPS posting rules are ineligible for employee-specific credits or exemptions.
 - **Distribution.**
 - If an employer distributes a handbook, a manual, or written or posted policies to employees, it must include a copy of the COMPS Order or Poster.
 - If an employer requires employees to sign an acknowledgment of receiving those materials, it must also require a signed acknowledgement that employees were provided a copy of the current COMPS Order or COMPS Poster.
 - Employers must provide the COMPS Order or Poster to any employee who requests.
- **Translation.** Employers of employees with limited English must use COMPS versions in the language needed, if it's among the Division's [many posted translations](#), or ask the Division for another language.

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

⁹ [COMPS Order](#), 7 CCR 1103-1, Rule 7.4 ("Posting and Distribution Requirements"); [C.R.S. § 8-4-107](#) ("Every employer shall post and keep posted conspicuously ... a notice specifying the regular paydays and the time and place of payment, in accordance with ... [C.R.S. §] 8-4-103, and also any changes concerning them that may occur from time to time.").

¹⁰ [C.R.S. § 8-4-101\(6\)](#); [COMPS Order](#), 7 CCR 1103-1, Rule 1.6.