

Superseded 5/10/2016

34A-6-203 Discharge or discrimination against employee prohibited.

- (1) A person may not discharge or in any manner discriminate against any employee because:
 - (a) the employee has filed any complaint or instituted or caused to be instituted any proceedings under or related to this chapter;
 - (b) the employee has testified or is about to testify in any proceeding; or
 - (c) the employee has exercised any right granted by this chapter on behalf of the employee or others.
- (2)
 - (a) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after the violation occurs, file a complaint with the division in the commission alleging discrimination.
 - (b)
 - (i) Upon receipt of the complaint, the division shall cause an investigation to be made.
 - (ii) The division may employ investigators as necessary to carry out the purpose of this Subsection (2).
 - (c) If the investigator reports a violation and the employer requests a hearing on the alleged violation, the Division of Adjudication shall hold an evidentiary hearing to determine if provisions of this section have been violated.
 - (d)
 - (i) If the Division of Adjudication determines that a violation has occurred, it may order:
 - (A) the violation to be restrained; and
 - (B) all appropriate relief, including reinstatement of the employee to the employee's former position with back pay.
 - (ii) A determination under this Subsection (2)(d) may be appealed in accordance with Section 34A-6-304.