

CEP Magazine – October 2021 Retaliation: A treacherous risk we should include in our risk assessments

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Bribery. Antitrust. Harassment. Environment. We already have plenty of risks to consider in our compliance programs. But here is one risk everyone has but almost everyone underestimates and omits from their risk assessments: retaliation.

From the earliest days of the United States Federal Sentencing Guidelines standards, the concept of retaliation (initially called "retribution") has been embedded in the compliance program standards. But it was only mentioned in the context of people being able to report violations without fear of retaliation. Retaliation is more than a factor in perfecting helplines. It can also be a poison that corrupts cultures and ruins compliance programs. It can even represent conduct that is itself illegal. In the European Union, for example, the new directive on whistleblower protection will bring more attention to this risk.

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