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## Model Policy on Nonretaliation

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This tool appears in the Health Care Compliance Association's *Healthcare Compliance Forms and Tools*.<sup>[1]</sup>

### Model Anti-Retaliation Policy

Function	Effective Date	Pages
Global Compliance	[Effective Date]	3

**Scope:** This policy applies to [Company], including its subsidiaries (collectively, “[Company Name]” or the “Company”), and the directors, officers, and employees of such entities, as well as all those acting for or on behalf of the Company (collectively, “Covered Individuals”).

**Purpose:** To protect all employees of the Company from any form of retaliation for speaking up about a potential compliance issue. This policy reinforces the Company’s commitment to ensuring a speak-up culture where all employees feel safe raising issues and concerns without fear of being retaliated against for doing so.

Any employee who, in good faith, reports a suspected violation, assists in the investigation of a potential issue, or requests information or clarification about the proper interpretation or application of any law, our Code of Conduct, or any Company policy or procedure should be able to do so freely and without worrying they will be retaliated against as a result.

### What Is Retaliation?

For purposes of this policy, “retaliation” means any adverse action, or threat of adverse action, against an employee because they do, or are about to do, any of the following: file a complaint, raise a concern, provide information, or otherwise assist in an investigation or proceeding relating to any issue they reasonably and in good faith believe to be a potential violation of the Company’s Code of Conduct; any Company policy or procedure; or any applicable law, rule, or regulation.

Retaliation can take many different forms, but all forms are designed to “punish” or penalize a person for speaking up. Some types of retaliation are obvious. For example, an employee raises a concern, and because of this:

- Their employment is terminated.
- They are transferred to a less desirable shift, location, or job.

- Their job responsibilities are reduced (demotion).
- They are threatened or otherwise harassed.
- They are given a negative performance evaluation only as a result of reporting a concern in good faith.

Others forms of retaliation may be more subtle:

- Not being invited to business calls, meetings, and social gatherings;
- No longer having input into projects they were once involved in; or
- Being ignored or “iced out” by their coworkers.

No matter what form it takes, however, retaliation creates a hostile, threatening, and uncomfortable environment; negatively affects employment conditions for everyone; and is not consistent with our Company value of [INSERT SPECIFIC COMPANY VALUE].

Not all adverse actions are necessarily examples of retaliation. For example, it is not necessarily retaliation if an employee receives a negative performance review. If a negative review is the result of poor performance by the employee and unrelated to speaking up, this would not be an example of retaliation.

## Policy

[Company] prohibits and does not tolerate any form of retaliation.

The Company and Covered Individuals will not retaliate or in any manner discriminate against any employee based upon any lawful action of such employee with respect to:

- Good faith reporting of possible violations of applicable law, the Code of Conduct, or any Company policy or procedure;
- Good faith participation in any investigation, audit, or other action related to such a report; or
- Objecting to conduct that reasonably appears to be a potential compliance violation.

The Company prohibits retaliation against employees even if their concerns are ultimately found to be unsubstantiated after investigation, unless the employee knowingly made a false allegation, provided false or misleading information in the course of an investigation, or otherwise acted in bad faith.

## How to Report Retaliation

Employees who believe in good faith they or any other employee have been retaliated against, or have questions concerning this policy, should immediately speak up using any of the available speak-up channels, including the Compliance Helpline [INSERT COMPLIANCE HELPLINE INFORMATION] (for more information about how to report a concern, please see our Speak Up Policy, which can be found here [INSERT LINK TO SPEAK UP POLICY]).

All managers/supervisors or members of Company control functions, including Internal Audit, Human Resources, and Compliance & Ethics who receive a report related to acts of potential retaliation (or any other kind of violations) must report the details of the complaint in a timely manner to Global Compliance through use of the Manager Report Form (available on the Company’s intranet) or the Compliance Helpline.

The Company takes very seriously all reports received—but especially reports of potential violations of this

policy. All reports will be investigated thoroughly in a professional manner and treated as confidential to the extent possible.

Any employee who violates this policy is subject to disciplinary action, up to and including termination, to the extent permitted by local law.

## **Responsibilities**

All managers/supervisors are responsible for:

- Maintaining an open-door policy,
- Educating their staff about retaliation and encouraging the reporting of potential compliance violations,
- Leading by example and demonstrating a culture that values and addresses employee concerns and a commitment to preventing retaliation, and
- Promptly reporting any act of retaliation taken against an individual for reporting a potential compliance violation.

All Covered Persons are responsible for:

- Promptly reporting any potential violation of the law, Code of Conduct, or Company policies or procedures through the reporting channels made available by the Company; and
- Promptly reporting acts of retaliation they become aware of either against them or taken against another employee.

## **Additional Information**

This policy reinforces and supplements information contained in our Code of Conduct and our Speak Up Policy, which can be found here [INSERT LINK TO THESE POLICIES].

For guidance regarding this policy or to report a potential violation, contact the Global Compliance Department or the compliance helpline: [INSERT HELPLINE INFORMATION HERE].

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