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## Retaliation: Scourge of organizational integrity, morale, and ethical culture

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By Sarah Cole and Keith Read

Workplace retaliation against employees who raise concerns about misconduct in your organization poses significant risks to your organizational integrity, employee morale, and ethical culture. Retaliation is serious. According to the *Risk & Compliance Hotline & Incident Management Benchmark Report*, retaliation rates have been on the rise, highlighting the urgency for organizations to implement effective measures to combat this issue.<sup>[1]</sup> This article explores the facets and features of retaliation and how we can move from passive anti-retaliation policy to a proactive, holistic program. It explores how we can consider Ethics & Compliance Initiative (ECI) data and research to help prevent and address retaliation, assisting us in fostering a workplace environment where employees feel safe and empowered to report unethical behavior without fear of reprisal.<sup>[2]</sup>

### What is retaliation?

Although retaliation is defined in several ways, two basic elements are always present: an issue is raised, and the person who raised it suffers as a result. The suffering can be overt or subtle and can be triggered by management or peers.

Curbing retaliation in the workplace can be accomplished by raising awareness of retaliation, responding consistently and effectively to reports of retaliation, monitoring allegations of retaliation, and taking steps to actively prevent retaliation.

According to a working group paper from ECI, “Best practices in an effective anti-retaliation program include creating an environment where individuals are valued and encouraged to speak up and where criticism for doing so is not tolerated.”<sup>[3]</sup>

### Real-world examples of retaliation

It can sometimes be easy to assume that retaliation is perpetrated on an opportunistic and largely unplanned basis, but that is certainly not the case. Evidence and studies show that it often involves timing, coordination, and determination to exact what the perpetrator deems to be “adequate” retaliation. As an example, one of the co-authors of this article found this highly intimidating message (“Snitches get stitches and end up in ditches”) in the locker of a supposedly anonymous whistleblower.

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The long reach and potentially hugely serious retaliation consequences were again brought home directly to one of the co-authors by a case in which a senior telecoms manager retaliated against an employee after he made a whistleblower report. The employee subsequently had a heart attack, largely through stress from the potential loss of his job. He never really recovered, and his 13-year-old son—faced with having to change schools as a result of his father’s loss of income—attempted suicide.<sup>[4]</sup>

Testimony from U.S. law enforcement officials highlighted abuse, misallocation of resources, and retaliation. Whistleblowers had their security clearances revoked, and when one officer arrived for his first day in a new position, he was placed on unpaid, indefinite suspension, effectively rendering his family—including young children—homeless and leaving them without any personal effects.<sup>[5]</sup>

In another example, a whistleblower shared how a patient died in hospital after a three-day delay in treatment. Once it became clear that the whistleblower spoke with the regulator, within days, overtime earnings vanished, and a domino effect of punishments and detriments began. It took more than two years before it was concluded that email evidence against the whistleblower was found to be unsound, not least of all because one email supposedly reached a colleague’s inbox three days before it was created. The whistleblower said, “No explanation was offered for emails travelling backwards in time.”<sup>[6]</sup> With the advent and growth of deep fakes, we will see this kind of “evidence” become less and less credible. It will be more difficult to ascertain the truth of any allegations.

Another case brought by a former United Nations employee has cast light on “a pervasive culture of impunity in an organisation where whistleblowers are given minimal protection from reprisals.” The organization’s mechanisms for dealing with whistleblowers were “fundamentally flawed.” Of 297 whistleblower retaliation cases, the “ethics office fully sided with the complainant just once in six years.”<sup>[7]</sup>

## **Real-world consequences of retaliation**

As seen in the case of the telecoms manager who experienced retaliation with the result that his 13-year-old son attempted to commit suicide, the consequences of retaliation can go far beyond what might be expected and certainly trespass onto personal and family life.

However, the consequences of retaliation can sometimes be considered “one and done” in that there is one incident of retaliation, which is the end of the issue. In reality, that can be very far from the truth.

One commenter in a CFA Institute article about retaliation shared the following story: “I lost a job today after whistleblowing on cash embezzlement. The company policies indicated that whistleblowing was protected, appreciated and encouraged, so I felt safe and like I was doing the right thing. But then corporate did not keep me anonymous as promised and outed me to my store managers. I was treated as a troublemaker after that.”<sup>[8]</sup>

One study showed that of 77 children who had a whistleblowing parent, 60 (nearly 80%) had been affected by divorces.<sup>[9]</sup> There are massive implications, and it is recognized that there is a broad and wide-ranging impact.

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