



## Avoiding Whistleblower Backlash

Publication

1.31.12

Employers have seen a dramatic increase in retaliation claims during the last several years. In fact, 36 percent of charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) in 2009 and again in 2010 were retaliation claims, making it the largest category of claims in those years.

These numbers compare to 29 percent of charges filed five years ago and 27 percent of charges filed a decade earlier. This has created an environment in which it is critical for companies to ensure they are dealing correctly with situations that may involve complainants or whistleblowers.

According to the 2011 National Business Ethics Survey from research group Ethics Resource Center, nearly half of all workers witnessed a violation of their company's ethics policy or the law, and 65 percent reported it. However, 22 percent of those whistleblowers reported some form of perceived backlash from their supervisors for reporting such conduct.

Employers should take retaliation claims seriously, as they not only negatively affect employee morale but also come with a significant cost to the company. Employers should treat those who complain about discrimination or harassment with care. Otherwise, you run the risk of a retaliation claim. Despite the rising number of claims, there are several steps your company should take to properly handle employee complaints and prevent a costly lawsuit.

Companies should not fear whistleblowers, as they can bring unlawful or unethical information to light that may otherwise go unnoticed. While retaliation claims are based upon well-plowed legal ground, the rapid increase in their filing should cause employers to take steps now to avoid a potentially costly lawsuit.

The good news is many of the lawsuits that employers face can be avoided by properly training supervisors, managers and employees on the correct procedures for making and handling complaints of unlawful or unethical behavior.

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This article appeared on January 31, 2012 on *Employment Law360* and *Texas Law360*.