Your Retaliation Questions – Answered!

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It seems retaliation investigations are always unsubstantiated. What are the best tips to really address managers who do retaliate?
Outside of termination, what are recommended disciplinary actions for retaliators?
Can an employee take privileged or confidential information from their employer to support their litigation efforts?
How should gray areas of retaliation, such as perceived retaliation, be addressed? Any other examples of gray areas to be aware of?
Are there instances where a re-org or seating change can appear to be retaliation if there were pre-existing issues with an employee or work group?
How should instances be handled when a manager is not aware an employee has complained and does something viewed as an adverse action? (Sometimes managers are not informed until they are interviewed.)
Our GC has concerns about publicizing sanitized cases of retaliation resolutions. How would you advise positioning the benefits?
Are there grounds for retaliation claims if a manager often takes the same employees to lunch or hangs out with them?
Are there examples where a company's efforts to identify a whistleblower were in and of themselves considered to be retaliatory or adverse actions?
Is it considered retaliation if a complaint is made against a co-worker and the company takes disciplinary action, but then the disciplined employee retaliates against the reporting employee? (i.e., Management was not involved in the retaliation.)
To avoid a retaliation claim, what should be considered when terminating an employee whose claim has been fully investigated and determined to be false?
Key Takeaways

• Define retaliation
• Talk about and train on retaliation
• Ensure accountability
• Monitor high risk reporters
Thank You!