

## **Retaliation: When Whistleblowers Become Victims**

Ethics Resource Center

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### **Objective**

This survey serves as an update to the popular 2009 report and will investigate how age, generational cohort, and time in the workplace impact ethics experiences at work.

### **Methods**

In 2011, 4,800 responses were collected. Review of the data revealed that 117 respondents worked in the government sector. These cases were removed from all analysis, meaning that 4,683 responses were from employees in the for-profit sector. Participants in the 2011 NBES were 18 years of age or older; currently employed at least 20 hours per week for their primary employer; and working for a company that employs at least two people. They were randomly selected to attain a representative national distribution. One-third of all participants were interviewed by telephone; and two-thirds participated through an online survey (using online panels and communities). The proportions of the telephone and online groups in the sample were weighted to equal 1. The survey opened September 15, 2011, and closed September 29, 2011.

### **Key Findings**

- 45% of employees observe misconduct each year
  - 65% of those who observe misconduct report it
  - 22% of those employees who report, perceive retaliation for doing so.
- Among all employees who report misconduct, only about 11% plan to leave within the year, but that number more than doubles to 23% among reporters who experience retaliation.
- 39% of victims of retaliation plan to stay for five years or more compared to employees in general (59%)
- 46% of those who reported and did not experience retaliation would consider reporting to the federal government or government agency if it meant losing their job.
  - However, 62% of those who experienced retaliation would be willing to go to the federal government even if their job was at risk.
- In the last five years, there has been an 83% increase in the rate of retaliation, but reporting has only increased by 12%.
- 27% of employees who first report to higher management experience retaliation.
  - 40% of whistleblowers who go first to the hotline experience retaliation.
  - Only 12% of those who reported to a single location experienced retaliation, compared to 80% of those who reported in six different ways.
- 52% of reporters who feel pressure to compromise standards end up experiencing retaliation after reporting.
  - Only 12% of reporters without such pressures experience retaliation.

- At companies in the middle of a merger/acquisition, 34% of reporters experience retaliation; this is more than twice the number in stable companies where 16% of whistleblowers experienced retaliation.
- Retaliation is significantly more common among whistleblowers whose financial situation has become more secure over the last two years (31%) than among those whose situation is less secure (22%) or about the same (19%).
- As reporters' personal support become stronger, the likelihood of experiencing retaliation increases from one in seven to, to one in four, and finally, among those with the strongest personal supports, to one in two.
- One in three reporters willing to blow the whistle to the government experiences retaliation, far higher than the national retaliation rate of 22%
- 1 in 50 reporters at companies with comprehensive ethics and compliance programs becomes a victim of retaliation
  - However, more than 1 in 3 reporters experience retaliation in companies which lack the standard program elements involved in a comprehensive ethics and compliance program.
- Retaliation decreases when employees are prepared to handle situations which could lead to violations of company ethics standards, company policy, or the law. This feeling of preparedness, which is linked to training efforts, relates to a decline in retaliation from 50% among reporters who feel poorly prepared or very poorly prepared to 19% among those feeling well prepared or very well prepared.
- In workplaces where employees agree that top management would not get away with breaking the rules, retaliation is far less common (17% vs. 42%) than those with weak accountability.
- In transparent, trustworthy environments, retaliation declines from 27% to 17%.

## Conclusion

Below are the ways in which companies can reduce or eliminate the likelihood of retaliation occurring:

- Implement targeted anti-retaliation training so managers know how to recognize when reports are being made, accurately address them, move them through the system, effectively update reporters on the status of their reports, and interact with reporters in ways that are not perceived as being retaliatory.
- Communicate broadly among employees the company's efforts related to the reporting process as well as its protections for those who report.
- Move the investigation process along quickly and pay particular attention to individuals who report more than once (since whistleblowers bring up their concerns in multiple ways when they feel they are not being heard or no progress is made).
- Establish a zero-tolerance policy for retaliation as a recognizable symbol to employees along with systems in place to ensure confidentiality, provide for anonymity, and actively protect reporters.

[Full report](#)