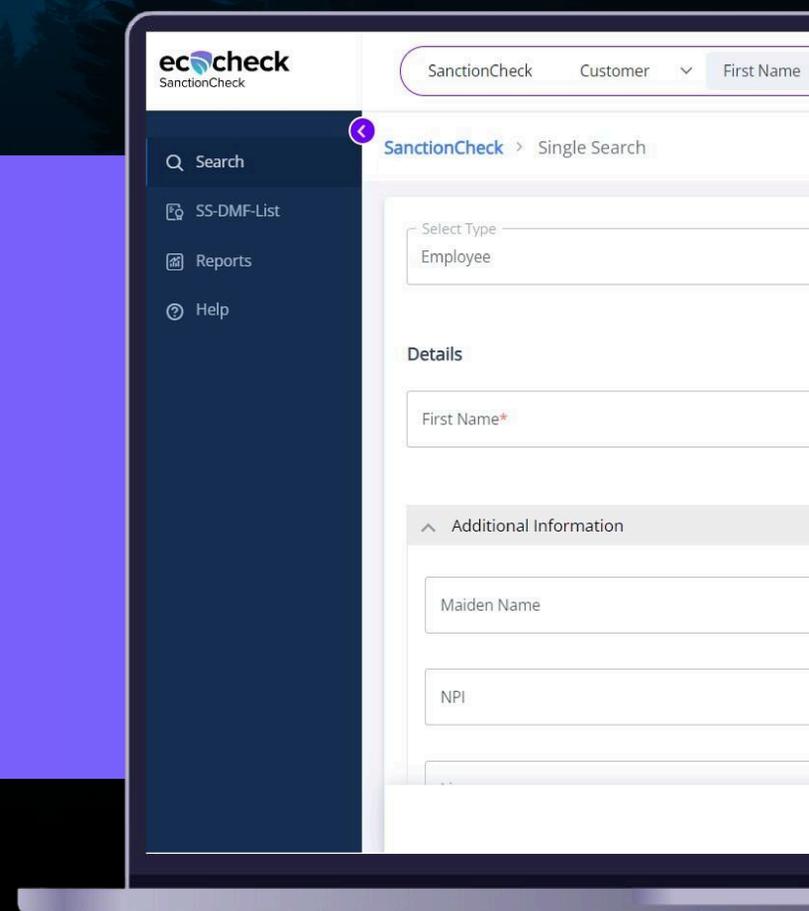




 Whitepaper

THE STATE OF RETALIATION IN THE 2025 WORKPLACE

WHY ANTI-RETALIATION PROGRAMS ARE NO
LONGER OPTIONAL—AND HOW TO BUILD ONE
THAT WORKS



Executive Summary

The Most Prevalent, and the Most Costly

Nearly half of all employees who report workplace misconduct experience retaliation.¹ Despite decades of legal protections and compliance programs, retaliation remains the most prevalent form of workplace discrimination—and the most costly.

46%

of employees who **report misconduct**
experience **retaliation**



The numbers tell a stark story. In fiscal year 2024, retaliation charges led all other types of discrimination complaints filed with the U.S. Equal Employment Opportunity Commission (EEOC), with 42,301 charges filed under all applicable statutes.² The EEOC secured nearly \$700 million for over 21,000 victims of employment discrimination in FY 2024—the highest monetary recovery in the agency's recent history.³ Meanwhile, the Securities and Exchange Commission awarded more than \$255 million to 47 whistleblowers in 2024 alone.⁴

\$700M

EEOC Recoveries
(FY 2024)

\$255M

SEC Whistleblower
Awards (2024)

42,301

Retaliation Charges
Filed (FY 2024)

For organizations focused on employee engagement and creating speak-up cultures, these statistics represent more than legal risk—they represent a fundamental breakdown in the trust between employees and employers. When employees who do the right thing by reporting misconduct face negative consequences, it sends a clear message: speaking up is dangerous. This chilling effect silences future reporters, allows misconduct to fester, and erodes the very culture organizations claim to value.

This whitepaper examines the current state of workplace retaliation through the lens of employee engagement, demonstrating how anti-retaliation programs strengthen organizational culture, protect valuable employees, and create environments where people feel empowered to contribute their best work.

Part One

The Employee Engagement Crisis Hiding in Plain Sight

When Speaking Up Becomes a Career Risk

The Ethics & Compliance Initiative's (ECI) 2023 Global Business Ethics Survey, which gathered data from over 75,000 employees across 42 countries, revealed that 46% of respondents globally who reported misconduct said they experienced retaliation.¹ This figure represents no improvement from the 2020 survey.⁵ In the United States specifically, 49% of employees who reported misconduct experienced retaliation in 2023.⁶

49%

of U.S. reporters experience retaliation - **essentially a coin flip**



These aren't just statistics—they represent employees who cared enough about their organization to speak up about problems, only to face exclusion, micromanagement, undesirable assignments, or termination. Each retaliation incident sends ripples throughout the organization as colleagues witness what happens to those who report concerns.

The ECI describes retaliation as "one of the most intractable obstacles to achieving higher reporting levels and reducing risk for an organization."⁷ More concerning, the research warns that "the current retaliation rate is of major concern because of its silencing effect within an organization, which tends to precede the erosion of culture."⁸

The Reporting Paradox

Despite high retaliation rates, 72% of global employees who observed misconduct reported it in 2023, representing a four percentage point increase from 2020.⁷ However, U.S. data reveals a troubling trend: only 64% of U.S. employees who observed misconduct reported it in 2023, down from 71% in 2020 and 75% in 2017.⁶

This declining reporting rate signals that American workers are losing faith in internal reporting mechanisms. When nearly half of all reporters experience negative consequences, potential whistleblowers take notice and stay silent.

The Culture Connection

An alarming 87% of employees globally indicated in the 2023 ECI survey that their workplace does not have a strong ethical culture.⁷ In the United States, only 56% of employees reported positive perceptions of their organization's culture in 2023—the lowest percentage recorded in the past 10 years.⁶

The relationship between weak culture and retaliation is both direct and measurable. ECI's research shows that employees working in weak ethical cultures are four times more likely to feel pressure to compromise standards than employees in strong ethical cultures.⁶

Employees in weak cultures are 4X more likely to feel pressure to compromise ethical standards

Gartner research showing that companies with the strongest ethical cultures achieve business results 2.3 times better than their peers⁹ underscores what's at stake. Organizations that allow retaliation don't just face legal liability—they forfeit competitive advantage, employee engagement, and business performance.

Part Two

The True Cost to Employee Engagement

Beyond Legal Settlements: The Human Cost

While the EEOC's \$700 million in FY 2024 recoveries³ represents substantial direct costs, the indirect costs to employee engagement are far more damaging and harder to measure.

The Chilling Effect on Future Reporting

When one employee experiences retaliation, the effects ripple throughout the organization. Colleagues witness the consequences and learn that reporting is dangerous. Trust in leadership erodes as employees conclude that stated commitments to protection are hollow. The ECI research explicitly warns that retaliation has "a silencing effect within an organization, which tends to precede the erosion of culture."⁸

The declining U.S. reporting rate—from 75% in 2017 to 64% in 2023⁶—suggests this chilling effect is real and measurable. As fewer employees report misconduct internally, problems go undetected until they escalate into crises, costing exponentially more to address.

Losing Your Best People

Employees who experience retaliation often leave the organization, whether through termination, constructive discharge, or voluntary resignation. This represents substantial talent costs, particularly because the employees most likely to report misconduct are often the ones organizations least want to lose—ethical employees who care deeply about organizational integrity.

When these conscience-driven employees are retaliated against and leave, the organization loses high performers who hold themselves and others accountable, cultural guardians who model ethical behavior, and institutional knowledge about systems and processes.

Disengagement Among Those Who Stay

Employees who witness retaliation but remain with the organization experience measurable effects on engagement and productivity:



Decreased trust in leadership: When employees see that leaders don't protect reporters despite stated commitments, they become cynical about all organizational messaging



Increased stress and anxiety: Working in an environment where speaking up is dangerous creates chronic stress



Reduced collaboration: Fear-based cultures discourage the information sharing essential for innovation



Lower discretionary effort: Employees do the minimum required rather than going above and beyond

The Recruitment and Retention Impact

In the age of Glassdoor and Indeed reviews, retaliation incidents become part of an organization's public record. Former employees post detailed accounts, complete with dates and outcomes. Prospective employees research companies before applying, and negative reviews mentioning retaliation serve as red flags.

This impacts recruitment through smaller applicant pools, longer time-to-fill, higher salary requirements, and lower offer acceptance rates. It's particularly acute for compliance, ethics, and legal roles—talented professionals research how organizations treat reporters before accepting positions.

Part Three

Building a Friendly and Familiar Employee Experience

Creating Environments Where Employees Safe

For organizations committed to employee engagement, anti-retaliation programs aren't about legal compliance—they're about creating workplaces where people feel empowered to contribute, confident that raising concerns strengthens rather than jeopardizes their careers.

Foundation: Clear Commitments and Visible Follow-Through

An effective anti-retaliation policy must define retaliation broadly to include both overt actions (termination, demotion) and subtle forms (exclusion, isolation, undesirable assignments, micromanagement). Providing specific examples helps employees recognize retaliation when it occurs.

But policy alone is insufficient. The gap between stated policy and lived experience is vast. Employees believe what they see, not what they hear. Effective programs demonstrate protection through:

-  **Visible monitoring:** Regular check-ins with reporters showing the organization takes protection seriously
-  **Swift investigation:** Prompt response to retaliation concerns demonstrating commitment
-  **Consistent discipline:** Retaliators facing consequences regardless of seniority or value
-  **Communication of outcomes:** Sharing (appropriately) that reporters were protected and retaliators faced consequences

Employees trust organizations that demonstrate protection through actions, not just words

Structured Post-Report Monitoring: The Core of Protection

The most critical gap in most anti-retaliation programs is the absence of structured, documented monitoring after investigations close. Compliance professionals intend to check in with reporters, but without formal systems, competing priorities overwhelm good intentions.

Retaliation Risk Assessment

Every report should trigger a risk assessment determining monitoring intensity. High-risk factors include reports involving powerful individuals, severe allegations, vulnerable reporters, small work groups, or reporters who've expressed fear.

Creating Monitoring Plans

For high-risk cases, create written monitoring plans specifying:

-  Check-in schedule (typically 30/60/90 days, 6 months, 12 months)
-  Responsible monitoring
-  What to monitor (performance reviews, compensation, assignments, informal treatment)
-  Documentation requirements
-  Escalation criteria

Conducting Effective Check-Ins

Check-ins should use consistent questions ensuring thoroughness:

- 01 "How have things been since we last spoke?"
- 02 "Have you noticed any changes in how you're being treated?"
- 03 "Have there been any changes to your responsibilities or assignments?"
- 04 "Have you been excluded from any meetings or communications?"
- 05 "Has anyone made comments or behaved differently toward you?"
- 06 "Do you feel comfortable in your work environment?"
- 07 "Have you experienced any negative consequences related to your report?"

Document every check-in immediately with date, time, method, questions asked, responses received, concerns raised, and follow-up actions. Store documentation in the case management system linked to the investigation file.

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Creating Monitoring Plans

For high-risk cases, create written monitoring plans specifying:

Check-in schedule (typically 30/60/90 days, 6 months, 12 months), Responsible monitor, What to monitor (performance reviews, compensation, assignments, informal treatment), Documentation requirements, and Escalation criteria

Document every check-in - 'I think we talked to them' is not a defense

Technology Support for Scalable Monitoring

Effective monitoring at scale requires technology support:

- Case management systems with automated reminders ensuring check-ins aren't forgotten
- Documentation templates ensuring consistency across monitors and cases
- HRIS integration providing automated alerts when reporters experience employment actions
- Reporting capabilities tracking monitoring completion rates and outcomes

Organizations lacking purpose-built technology can start with manual processes using calendars, spreadsheets, and documentation templates. These aren't ideal long-term but are infinitely better than no monitoring.

Part Four

Demonstrating Value to Leadership and Employees

Proving Program Effectiveness through Metrics

Organizations committed to employee engagement need metrics demonstrating that anti-retaliation efforts work: These metrics should be reported quarterly to senior leadership and at least annually to the board, demonstrating that the organization takes employee protection seriously.

Process Metrics:

- Monitoring completion rate (% of scheduled check-ins completed)
- Average time from report to monitoring plan creation
- Timeliness of check-ins

Outcome Metrics:

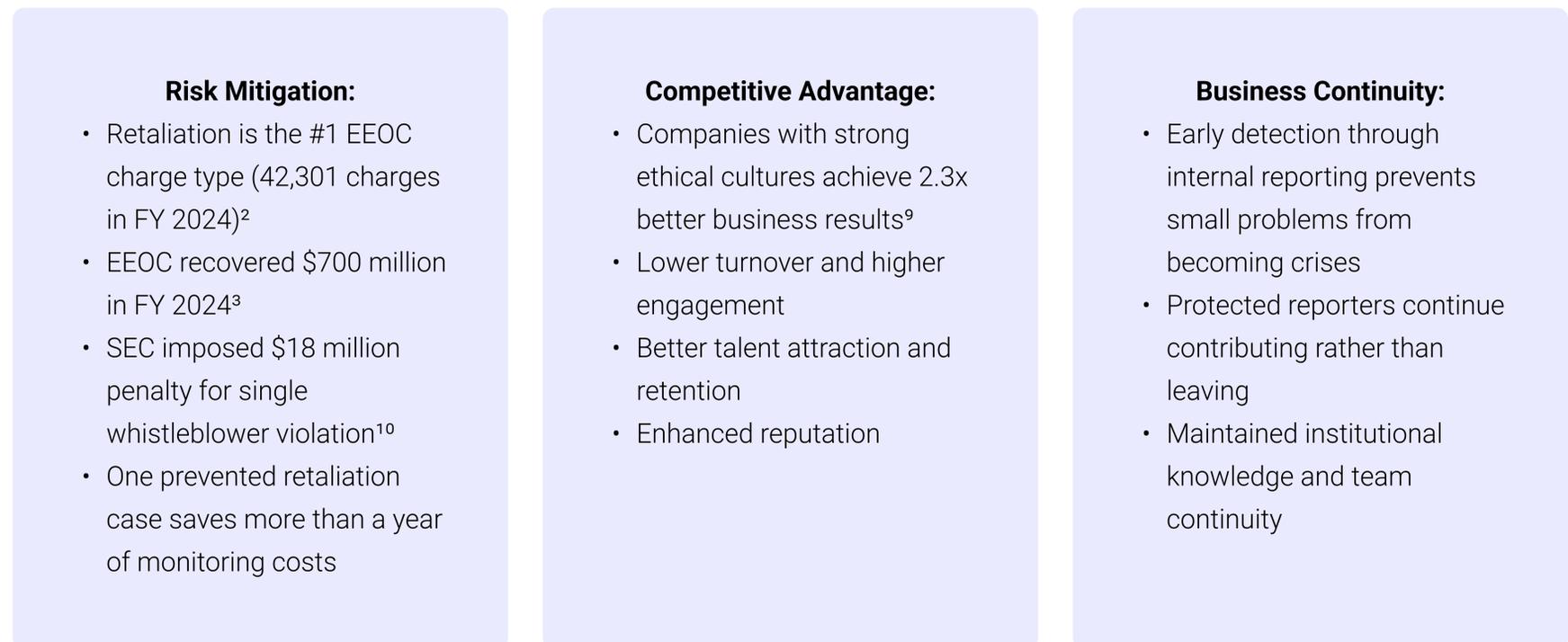
- Number of retaliation allegations
- Substantiation rate
- Types of retaliation alleged
- Discipline imposed on retaliators

Culture Metrics:

- Employee survey data on fear of retaliation
- Employee survey data on trust in protections
- Reporting rates (trending up or down)
- Exit interview data on retaliation concerns

The ROI of Protection

Building the business case for anti-retaliation programs requires framing in terms leadership cares about:



Part Five

Implementation Roadmap

Phase One: Assessment (Month 1-2)

Current State Evaluation:

- Review existing anti-retaliation policies and procedures
- Analyze retaliation allegations from past 3 years
- Assess current monitoring practices (if any)
- Evaluate technology capabilities
- Survey employees on fear of retaliation and trust

Gap Analysis:

- Identify highest-risk gaps
- Prioritize improvements by impact and feasibility
- Benchmark against peer organizations

Phase Two: Design (Month 2-3)

Program Development:

- Update anti-retaliation policy addressing gaps
- Create monitoring plan templates and protocols
- Develop check-in scripts and documentation standards
- Define roles and responsibilities
- Design training for employees, managers, and investigators

Technology Planning:

- Evaluate case management system capabilities
- Plan HRIS integration or manual coordination processes
- Create documentation templates and workflows

Phase Three: Pilot (Month 4-5)

Limited Launch:

- Implement monitoring for high-risk cases over 60 days
- Train pilot participants
- Conduct scheduled check-ins and document thoroughly
- Gather feedback from monitors and reporters
- Measure resource requirements

Refinement:

- Update templates based on feedback
- Adjust timelines or frequencies
- Improve technology workflows
- Incorporate lessons learned

Phase Four: Full Rollout (Month 6+)

Organization-Wide Implementation:

- Deliver training to all employees, managers, and investigators
- Publish updated anti-retaliation policy
- Deploy technology enhancements
- Begin monitoring all qualifying cases
- Communicate program to organization

Ongoing Measurement:

- Track defined metrics
- Generate quarterly reports to leadership
- Publish appropriate data to employees demonstrating commitment

Phase Five: Continuous Improvement (Ongoing)

Sustained Excellence:

- Conduct quarterly metric reviews
- Perform annual comprehensive assessments
- Update training content annually
- Maintain policy currency
- Adapt to emerging risks (remote work, social media, etc.)

Start small, prove value, then scale - don't try to build the perfect program immediately

Part Six

Overcoming Common Barriers

“We’re Too Busy”

Response: You're busy investigating retaliation claims and enforcement actions. Structured monitoring that prevents retaliation saves far more time than it costs. Start with monitoring just high-risk cases and prove value before scaling.

"We Already Have a Policy"

Response: Policies without monitoring are window dressing. Regulators ask "How do you implement it?" and "What documentation proves it works?" A policy cannot provide these things—only implementation can.

"We Don't Have the Budget"

Response: A single avoided retaliation lawsuit (settlement costs, legal fees, remediation) typically exceeds the annual cost of a comprehensive program by 10x. Start with manual processes using existing tools, prove ROI, then justify technology investment.

"We Don't Have the Technology"

Response: Low-tech solutions work initially—calendars, spreadsheets, Word templates. Many existing case management systems already have workflow and reminder capabilities. Explore what you have before assuming you need new technology.

"Our Employees Trust Us"

Response: Data contradicts this belief. 49% of U.S. reporters experience retaliation.⁶ 87% of global employees don't work in strong cultures.⁷ Trust isn't assumed—it's earned through visible, consistent action. Monitoring demonstrates commitment to protection.

Conclusion

From Retaliation to Engagement

The state of retaliation in the workplace in 2025 is troubling, but it's not unchangeable. Organizations that prioritize employee engagement understand that protecting reporters isn't just about avoiding lawsuits—it's about creating environments where people feel empowered to contribute their best work.

The data demands action:

46% of global reporters experience retaliation¹, 42,301 retaliation charges filed with EEOC in FY 2024², \$700M in EEOC recoveries³, 87% of employees don't work in strong ethical cultures⁷, Reporting rates declining as trust erodes⁶

The path forward is clear:

Organizations must move from reactive investigation of retaliation claims to proactive prevention through structured monitoring. This requires:

- Visible commitment from leadership demonstrated through actions, not just words
- Structured monitoring with documented check-ins extending 6-12 months post-report
- Technology support enabling automated reminders and consistent documentation
- Manager accountability through specialized training and performance measurement
- Clear consequences for retaliation with discipline proportional to conduct
- Continuous improvement driven by metrics and employee feedback

The ROI is compelling:

Companies with strong ethical cultures achieve business results 2.3 times better than their peers.⁹ They retain top talent, attract better candidates, detect problems early, and build competitive advantages competitors cannot replicate.

The choice is yours:

You can continue hoping retaliation doesn't occur, responding reactively when it does, defending litigation, paying settlements, losing talent, and watching culture erode.

Or you can build a program that prevents retaliation, protects reporters visibly, strengthens culture, improves engagement, and demonstrates to employees that speaking up makes careers stronger, not weaker.

Every employee deserves to work in an environment where doing the right thing doesn't carry career risk. Every organization deserves the competitive advantage that strong ethical culture provides. The question isn't whether anti-retaliation programs are necessary—it's when you will build yours.

The time to act is now.

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