



## RETALIATION

Whistleblower programs are designed to reward whistleblowers for stepping forward, stopping fraud and doing what's right. But far too often, whistleblowers face retaliation from employers who don't take responsibility for unlawful conduct.

Whistleblower laws provide remedies for those who face unlawful retaliation. Our firm has secured multi-million dollar awards for conscientious whistleblowers who have been retaliated against for doing the right thing.

### False Claims Act Whistleblower Protections

The False Claims Act [\[hyperlink\]](#) includes important remedies for unlawful retaliation such as double back pay, reinstatement, and other special damages if the employer took retaliatory actions against the whistleblower for engaging in protected conduct. Protected conduct includes investigating and reporting fraud against the Government to a supervisor, compliance department or Government agency, assisting others in investigating or reporting fraud and filing a qui tam lawsuit under the FCA.

### Financial Fraud Whistleblower Protections

Federal laws provide remedies for whistleblowers who report financial and corporate fraud including through the SEC Whistleblower Program [\[hyperlink\]](#) and the CFTC Whistleblower Program [\[hyperlink\]](#).

Under the Sarbanes Oxley Act ("SOX"), whistleblower who have suffered retaliation may be entitled to lost wages, reinstatement and costs for bringing the claim. SOX applies to all publicly traded companies, along with their subsidiaries, contractors and affiliated entities, and provides protections from retaliation, including demotion, harassment, and termination, for whistleblowers who report securities fraud either internally or to the government. In order to receive protection from retaliation under SOX, a whistleblower must file a complaint with the Occupational Safety and Health Administration ("OSHA") within 180 days from the date of the retaliation.

Under the Dodd Frank law, whistleblowers who report fraud to the SEC or CFTC and suffer retaliation may be entitled to double back pay, reinstatement and other special damages. Unlike SOX, Dodd-Frank does not require whistleblowers to file a complaint with OSHA, but instead allows whistleblowers who filed a TCR to file a lawsuit directly in federal

court up to six years after the retaliatory act. The AMLA and IRS [hyperlinks] whistleblower programs also provide protections from retaliation for whistleblowers.

KTMC has secured millions of dollars in damages for whistleblowers who have faced unlawful retaliation.

If you believe your employer has retaliated against you based on protected whistleblowing, and would like to speak with a member of our whistleblower group about the potential matter, **please contact us to schedule a case evaluation.** All consultations are free and confidential.