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**Conducting an Effective Retaliation Claim
Investigation: Cross-Border Edition**

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Retaliation is a global business issue:

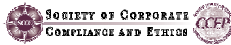
- More than 3,000 state and federal statutes in the US prohibit retaliation by employers. Generally, these include laws relating to:
 - Employee rights statutes such as anti-discrimination and harassment laws; workplace safety laws; and wage and hour laws
 - Civic duty laws such as jury service; fulfilling child support obligations; and serving as an election officer
 - Active whistleblowing such as Sarbanes Oxley fraud reporting and False Claims Act reporting
 - Passive whistleblowing such as refusing to commit a crime or to violate safety or environmental regulations

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Retaliation is also prohibited by some non-US laws:

- Called “victimization” in some countries such as the UK, retaliation is prohibited for many of the same reasons as in the US
- It is also prohibited for certain reasons such as engaging in works council activities that are in addition to US prohibitions

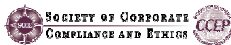


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Non-US and US retaliation complaints, as well as circumstances suggesting possible retaliation, must be investigated

- Regardless of the origin of the duty, effective investigations share certain characteristics or qualities. These include:
 - Evidence of organizational commitment
 - Evidence of appropriate planning and organization
 - Promptness
 - Thoroughness
 - Fairness
 - Impartiality
 - Process
 - Accuracy and precision
 - Minimizing intrusiveness or violation of privacy

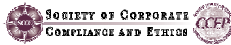


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Investigations must not violate local laws:

- In the US, relevant local laws include:
 - prohibitions on illegal searches
 - violations of various privacy restrictions
 - violation of specialized statutes such as anti-polygraph or surveillance statutes
- Outside the US, relevant local laws include:
 - Data privacy
 - Time constraints
 - Collective rights

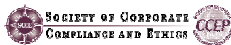


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Special challenges of cross-border investigations:

- Distance and time
- International disconnect in priorities
- Multiple jurisdictions and local laws
- Language, customs, and culture
- Choosing the investigator



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