



Retaliation Awareness Training (Military Members)

Introduction

It is DoD Policy that the DoD will hold leaders at all levels appropriately accountable for fostering a climate of inclusion that supports diversity, is free from harassment, and does not tolerate retaliation against those filing harassment complaints.

DoDI 1020.03, February 8, 2018

Objectives

- Describe Retaliation
- Recognize the Types of Retaliation
- Understand the Impacts of Retaliation
- Discuss Prevention Strategies
- Summary

Retaliation

Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication.

Types of Retaliation

Retaliation includes one or more of the following actions:

- Restriction
- Reprisal
- Ostracism
- Acts of Maltreatment

When taken against a service member because that member made or is preparing to make a protected communication, such as reporting a criminal offense.

Types of Retaliation

Restriction: Preventing or attempting to prevent a service member from making or preparing to make a lawful communication to a member of Congress and/or Inspector General (IG).

Example: “Don’t go to the IG yet, let us try to fix this for you first.”

Types of Retaliation

Reprisal: Taking or threatening to take an unfavorable personnel or adverse personnel action, or withholding or threatening to withhold a favorable personnel action for making or preparing to make a protected communication, such as reporting a criminal offense.

Types of Retaliation

Ostracism: The exclusion from social acceptance, privilege, or friendship with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice.

Example: “If you report me for doing this, don’t plan on hanging out with us anymore.”

Types of Retaliation

Maltreatment: The treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice, and that results in physical or mental harm or suffering.

Types of Retaliation

Additional Examples of Retaliation

- Reprimanding or threatening an employee
- Giving a evaluation lower than it should be
- Transferring an employee to a less desirable position or function
- Engaging in verbal or physical abuse
- Increase scrutiny
- Spreading false rumors
- Making the employees work more difficult

Impacts of Retaliation

- Poor work performance
- Lack of trust
- Increased complaints
- High turnover
- Lawsuits
- Punitive damages
- Compensatory (monetary and non-monetary) measures to correct employment practices (e.g. retraining)

Prevention Strategies

To **Prevent** retaliation from occurring:

- Ensure leaders know what retaliation looks like and what actions could be perceived as retaliation
- Don't interfere with the complaint/reporting process
- Avoid publicly discussing allegations
- Don't share information about activities with any other managers or subordinates unless on a need-to-know basis
- Be mindful to not isolate employees

Prevention Strategies

- Avoid reactive behavior such as denying equipment, discussing employee information/benefits provided
- Provide clear and accurate information to the Commander, EO, Investigator, or IG
- Don't threaten an employee, a witnesses, or anyone involved in the complaint process

Prevention Strategies

Conduct training discussing and educating all members on the:

- Definition of retaliation
- Types of retaliation
- Impacts on the individual, the team and the organization
- Potential punitive damages

Prevention Strategies

In instances where a coworker harasses an individual for participating in the complaint process, contact your:

- Supervisor
- Chain of Command
- Follow your organization's policy for filing grievances

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