



Retaliation



WHAT Is Retaliation?



Retaliation is illegal, impermissible, or hostile action taken by a Service member's chain of command, peers, or coworkers because they made or are suspected of having made a protected communication in accordance with DoDD 7050.66.¹

Examples Of Retaliatory Actions

4, 5, 6, 7, 8, 9

Negative performance evaluations

Exclusion

Discouraging target from making official report

Bullying

Verbal abuse/name calling

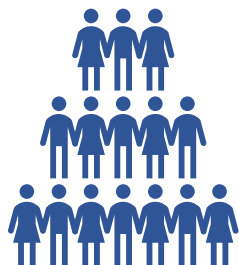
Denial of training opportunities

WHY Is Retaliation A Concern For The DoD?

- Retaliation “jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks, and erodes unit cohesion.”¹
- Rates of retaliation across the U.S. workforce have consistently increased over the last 20 years.^{2, 3}



WHO Can Be Impacted By Retaliation?



Anyone can be the target or perpetrator of retaliation regardless of their group status; however, some individuals may be more likely to be targeted.^{11, 12}

WHERE Can Retaliation Take Place?



In the workplace:

- Negative performance evals
- Denial of training opportunities
- Exclusion from team members
- Additional unnecessary job tasks

WHEN Does Retaliation Occur?

The Target:

- * Reports, plans to report, or is suspected of reporting a criminal offense,
- * Makes or plans to make a protected communication,
- * Expresses support for equal opportunity and anti-discrimination policies or initiatives, or
- * Stands up against or intervenes to stop a harassment incident or prohibited activity.

The Perpetrator(s):

- * Takes or threatens to take adverse personnel or social action against the target,
- * Withholds or threatens to withhold favorable personnel or social action against the target, or
- * Directly or indirectly discourages the target from engaging in equal opportunity or investigation processes.

HOW Can Retaliation Be Prevented Or Mitigated?



Empower leaders to recognize and intervene against retaliatory behaviors and be accountable for modeling and reinforcing a culture that is intolerant of retaliation.^{4, 15, 16}



Offer training and education that provides all members information on anti-retaliation policies.^{8, 17}



Empower bystanders to intervene if they witness retaliatory behaviors⁵





References



1. Office of the Under Secretary of Defense for Personnel and Readiness. (2022b, December 20). *Harassment prevention and response in the Armed Forces* (DoD Instruction 1020.03).
<https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodi/102003p.pdf>
2. Dwoskin, L. B. (2016). The EEOC focuses on retaliation ... and so should you: A discussion about the EEOC draft enforcement guidance on retaliation. *Employee Relations Law Journal*, 42(2), 5–18.
3. U.S. Equal Employment Opportunity Commission. (n.d.-a). *Charge statistics (charges filed with EEOC) FY 1997 through FY 2022*. <https://www.eeoc.gov/data/charge-statistics-charges-filed-eeoc-fy-1997-through-fy-2022>
4. Binder, R., Garcia, P., Johnson, B., & Fuentes-Afflick, E. (2018). Sexual harassment in medical schools: The challenge of covert retaliation as a barrier to reporting. *Academic Medicine*, 93(12), 1770–1773.
<https://doi.org/10.1097/ACM.0000000000002302>
5. Buchanan, N. T., Settles, I. H., Hall, A. T., & O'Connor, R. C. (2014). A review of organizational strategies for reducing sexual harassment: Insights from the U.S. military. *Journal of Social Issues*, 70(4), 687–702. <https://doi.org/10.1111/josi.12086>
6. Cortina, L. M., & Magley, V. J. (2003). Raising voice, risking retaliation: Events following interpersonal mistreatment in the workplace. *Journal of Occupational Health Psychology*, 8(4), 247. <https://doi.org/10.1037/1076-8998.8.4.247>
7. Dahl, G. B., & Knepper, M. M. (2021). *Why is workplace sexual harassment underreported? The value of outside options amid the threat of retaliation* (Working Paper No. 29248). National Bureau of Economic Research.
<https://doi.org/10.3386/w29248>
8. Solano, F., & Kleiner, B. H. (2003). Understanding and preventing workplace retaliation: MRN. *Management Research News*, 26(2-4), 206–211. <https://doi.org/10.1108/01409170310783943>
9. Vargas, E. A., Cortina, L. M., Settles, I. H., Brassel, S. T., Perumalswami, C. R., Johnson, T. R. B., & Jagsi, R. (2022). Formal reporting of identity-based harassment at an academic medical center: Incidence, barriers, and institutional responses. *Academic Medicine*, 97(7), 1029–1037. <https://doi.org/10.1097/acm.0000000000004711>



References Cont'd



10. Uniform Code of Military Justice, 10 U.S.C. § 932 (2019).

[https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20\(Final\)%20\(20190108\).pdf?ver=2019-01-11-115724-610#page=440](https://jsc.defense.gov/Portals/99/Documents/2019%20MCM%20(Final)%20(20190108).pdf?ver=2019-01-11-115724-610#page=440)

11. Farris, C., Schell, T. L., Jaycox, L. H., & Beckman, R. L. (2021). *Perceived retaliation against military assault victims*. RAND Corporation. https://www.rand.org/pubs/research_reports/RR2380.html

12. Folke, O., Rickne, J., Tanaka, S., & Tateishi, Y. (2020). Sexual harassment of women leaders. *Daedalus*, 149(1), 180–197. https://doi.org/10.1162/daed_a_01781

13. Holland, K. J., Rabelo, V. C., & Cortina, L. M. (2014). Sexual assault training in the military: Evaluating efforts to end the “invisible war.” *American Journal of Community Psychology*, 54(3-4), 289–303. <https://doi.org/10.1007/s10464-014-9672-0>

14. U.S. Department of Defense. (2016, April). *DoD retaliation prevention and response strategy: Regarding sexual assault and harassment reports*. https://www.sapr.mil/sites/default/files/DoD_Retaliation_Strategy.pdf

15. Zheng, L. (2020, October 8). Do your employees feel safe reporting abuse and discrimination? *Harvard Business Review*. <https://hbr.org/2020/10/do-your-employees-feel-safe-reporting-abuse-and-discrimination>

16. Marine Corps Community Service. (2016). *CMC and SMCC message: Prevent and stop retaliation*. <https://8thandi.usmc-mccs.org/news/cmc-and-smcc-message-prevent-and-stop-retaliation>.

17. Becton, J. B., Gilstrap, J. B., & Forsyth, M. (2017). Preventing and correcting workplace harassment: Guidelines for employers. *Business Horizons*, 60(1), 101–111. <https://doi.org/10.1016/j.bushor.2016.09.005>

18. Latané, B., & Darley, J. M. (1970). *The unresponsive bystander: Why doesn't he help?* Appleton-Century-Crofts.