



## RETALIATION AGAINST EMPLOYEES IN THE USA: AN ANALYSIS IN TERMS OF ORGANIZATIONAL BEHAVIOR

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### ABSTRACT

**Purpose** – The number of retaliation charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) has been increasing dramatically over last decade. This analysis is grounded on the USA regulations and a merged city and a county local government in the USA. Organizational analysis was based on the work of Bolman and Deal (2008). This study's aim was to explore the relationships between organizational behavior and retaliation against employees in the USA and increase attention among scholars for further research as well. Although retaliation is classified under discrimination it is taken as a special charge.

**Methodology**– The recent lawsuit examples demonstrate the apparent costly conflict within the local government, organizational structure and its systems are reviewed to explore if they are causing negative conflicts in the organization. Bolman and Deal's (2008) strategy is applied to the studied local government in the USA. To be able to understand the relationships between the local governmental structure and retaliation problems is deeply analyzed on structural, human resources, political, and symbolic frames. Most of the retaliation cases took place at the Division of Community Correction. To explore if there are internal contributors' effects to the problem requirements for a job application and job descriptions of a correction officer are investigated and compared with other organizations' job description for the same position, as well as training requirements.

**Findings** – This study revealed several problems that the studied local government needs to address to prevent retaliation cases. First of all, the local government doesn't have an established culture, and because of that, the employees are not sure how to behave or act when they face challenges. Although organizational symbols exist to eliminate confusion, ambiguity to provide direction, to secure hope and faith in organizations, the local government doesn't have clear symbols. While stories convey values and serve as powerful modes from the tyranny of facts and logic, the local government's employees are afraid of speaking out about some issues, and bad stories pass from employees to employees. In terms of policies, the study discovered that whatever stated officially is not in use. Harassment training is given to new beginners and never reoffered to current employees. Broken and unclear communication is another finding that might be leading to organizational problems.

**Conclusion** – The increasing number of costly retaliation cases in the United States needs more attention to the causes to solve this problem. Public agencies are funded by taxes paid by households and companies to the government to receive services such as water, roads, education etc. Public agencies' high lawsuit settlement payments jeopardize the public's rights to have services. These problems have some indirect costs which should be taken into account. Currently, little attention is paid to the subject by scholars, and therefore it needs to be explored more. The results of the study would apply to many organizations including public and private sector.

**Keywords:** Strategic management, organizational behavior, organizational and group communication

**JEL Codes:** M0, M11

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## 1. INTRODUCTION

Problems between stakeholders and organizations are nothing new, but litigations and legal allegations are rapidly increasing. Search on media sources confirmed that retaliation lawsuits are on the rise in the USA. One of the main concerns is why organizations are not taking any precious steps to prevent such a costly conflict and facing the same problem over and over again. As of today, it seems like there is no easy answer to this question. One of the motivations of this study is to analyze the problem in the case of organizational behavior and connect it to the four frames that Bolman and Deal offered.

The increasing numbers may have many reasons, one of which is reaching available information faster than before. Moreover, Unsal (2019) states several reasons for rapidly rising employment lawsuits as follows; 1. Increased awareness in the workplace helps employees to be aware of their rights. 2. Increased coverage in media outlets. 3. The growth in social media posts, such as videos or pictures, about recorded mistreatment. 4. Employer hysteria towards the allegations. Based on the EEOC statistics of 2017, retaliation is the most common reason for employee allegations. Companies often act in denial, assuming that the problem will go away. However, employees can hit back with retaliation charges (Unsal, 2019: 4).

While conflicts in organizations are inevitable, managing conflicts is possible. Organizations should establish a conflict management system that would fit the structure of the organization. Additionally, organizations should reevaluate their strategies and make adjustments according to changes such as technological, political, etc. Bolman and Deal (2008) offer four frames; structural, human resources, political and symbolic frames for interpreting organizational processes. Each of the frames used for a specific process such as decision making, strategic planning, goal-setting, communication, etc. For example, in organizational communication, the structural frame interprets the process of transiting fact and information; the human resources frame interprets the process of exchanging information, needs, and feelings; the political frame interprets the process of influencing or manipulating others; and the symbolic frame interprets the process of telling stories.

The rest of the paper includes a literature review to explore recent issues and studies related to the subject, definition of retaliation, analysis of retaliation law in the USA, and methodology followed by organizational analysis based on four frames. Furthermore, recommendations and conclusions are presented at the end of the paper.

## **2. LITERATURE REVIEW**

As many studies pointed out (Cortina et al., 2001, 2009; Kern and Grandey, 2009; Porath and Pearson, 2013) litigation and legal allegations damage organizations (Bavika and Bavik, 2015) directly or indirectly and they may even lead to bankruptcy because of settlements. The retaliation affects organizations negatively such as decreasing organizational effectiveness in the short run and moral identity symbolization (Zhu et al., 2020). Furthermore, settlements would have destructive effects on other employees that might increase the employee turnover rate. Basically the retaliation is reaction to managerial misbehavior (Charness and Levine, 2010). Although number of filed charges may differ, retaliation still takes places in every country and it is a universal problem. The Ethics Research Center (2016) conducted a study around the world and reported that observed misconduct alerts management about the need to address violations, versus silence that allows wrongdoing to continue and grow worse.

Since employees are considered the most valuable asset of organizations, the relationship with employees is vital (Coff, 2002). Unsal (2019) argues that acting in an employee-friendly manner will reduce organization's market risk. On the other hand, failing to manage better working practices would create the potential for significant financial risk (as cited in Porter and Krammer, 2006). In addition, employee satisfaction is required for better corporate performance (Edmans, 2011). Therefore, the charges (e.g., relating to benefits, retirement, retaliation, race, sex, disability, age, national origin, religion, color) brought by employees targeted not only the financial performance of the firm, but also the work environment (Medeiros and Alcapadipani, 2016) and other practices. It is important to let employees speak about the problems before they become uncontrollable. According to Kwon and Farndale (2020), employees freely speaking about issues, will positively influence organizational performance and employee morale (as cited in Kaufman, 2015; Klaas et al. 2012; Mowbray et al, 2015). Moreover, employees having opportunities to talk about issues will affect their effort and the benefits of managers and business owners (Nechanska et al. 2020).

Interestingly, a study conducted by the Ethics Resources Center (ERC) in 2010 showed that top managers and employees in companies with 25-99 employees are less likely to experience retaliation. The highest rates of retaliation are felt by four particular groups: those in a union, those in firms with more employees and employees with three to five years' tenure. They also found that when there is pressure to compromise company standards, policy or the law, employees are also more likely to experience retaliation. Only 6 percent of reporters who felt no pressure to compromise standards experienced retaliation, compared to 59 percent of reporters who were under extreme pressure to compromise standards (ERC, 2010: 1). According to the study, the majority of those respondents who had indicated that they were retaliated against: exclusion by supervisors or management from work decisions or activities, given the cold shoulder by coworkers, and verbal abuse by a supervisor or someone else in management. The least common form of retaliation was physical harm to person or property (ERC, 2010: 4). According to Hennequin (2020) governance methods and the management of internal dysfunctions are a real managerial challenge.

According to recent studies, the number of retaliation charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) has been increasing dramatically (Wright, 2011). Some authors argue that the reason for the rise is the Supreme Court's (decision in Burlington Northern & Santa Fe Railway Co. V. White) adaptation of a broader definition of retaliation

while the other authors argued that the economic downturn is the reason for the rise in claims. Employment Practices Liability Insurance (EPLI) claimed that median compensatory award was \$218,000 in their cases in 2010. Other sources indicated that average cost of wrongful termination is \$450,000 to \$650,000 to an employer.

## 2.1. What is Retaliation?

According to Sincoff, Slonaker, and Wendt, (2006) the ancient definition of retaliation or laxation, is an eye for an eye; a tooth for a tooth. As applied to the workplace, Cortina and Magley (2003: 248) identified two general types of retaliation by managers:

(1) Negative actions directed at the employee's job, such as demotion, termination, pay cut, poor evaluation, or denial of benefits; and (2) Antisocial actions directed at the employee to demonstrate displeasure, such as harassment, name-calling, ostracism, blame, threats, or the silent treatment.

Although retaliation is a charge that is related to discrimination, it is considered a separate offense. EEOC defines retaliation as "retaliation occurs when an employer takes a materially adverse action because an applicant or employee asserts rights protected by the EEO laws. Asserting EEO rights is called "protected activity." "Sometimes there is retaliation before any "protected activity" occurs. For example, an employment policy itself could be unlawful if it discourages the exercise of EEO rights" (EEOC, n.d: 4-5).

## 2.2. Retaliation Laws in the USA

According to the EEOC Section 704 (a) sets forth Title VII's anti-retaliation provision in the following terms: Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings (EEOC, n.d.)

"It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

"An employer must not retaliate against an individual for "participating" in an EEO process. This means that an employer cannot punish an applicant or employee for filing an EEO complaint, serving as a witness, or participating in any other way in an EEO matter, even if the underlying discrimination allegation is unsuccessful or untimely" (para.8). Laws not only prohibit retaliation but also make it unlawful to retaliate against an applicant or employee for the followings;

- "complaining or threatening to complain about alleged discrimination against oneself or others;
- providing information in an employer's internal investigation of an EEO matter;
- refusing to obey an order reasonably believed to be discriminatory;
- advising an employer on EEO compliance;
- resisting sexual advances or intervening to protect others;
- passive resistance (allowing others to express opposition);
- requesting reasonable accommodation for disability or religion;
- complaining to management about EEO-related compensation disparities; or
- talking to coworkers to gather information or evidence in support of a potential EEO claim".

Similarly, retaliation against reporters, such as the silent treatment, verbal harassment, demotions, undesirable assignments or even violence are also listed as wrongdoings in the global report (ERC, 2016). Apparent retaliation erodes trust and frequently discourages employees from reporting misconduct, which tolerates immoral behavior to aggravate and spread in organizations. Although the laws clearly prohibit retaliation in the US, retaliation charges are constantly rising. Below table exhibits the changes of retaliation charges from FY 2005 to FY 2010. Retaliation charges went up from 30 percent to 36 percent within 5 years average of annual 39 percent of all charges (Table 1).

**Table 1: Historically Filed Charge Statistics FY 2005 Through FY 2010**

	2005	2006	2007	2008	2009	2010
<b>Number of Charges</b>	75,43	75,77	82,79	95,40	93,28	99,92
<b>Retaliation</b>	22,28	22,56	26,66	32,69	33,61	36,26
<b>Percentage of all charges</b>	30%	30%	32%	34%	36%	36%

Source: The U.S. Equal Employment Opportunity Commission

According to EEOC (2020: 2) the FY 2019 data (Table 1) show that retaliation continued to be the most frequently filed charge filed with the agency, followed by disability, race and sex. The agency also received 7,514 sexual harassment charges 10.3 percent of all charges. Specifically, the charge numbers show the following breakdowns by bases alleged, in descending order.

**Table 2: Filed Charges Statistics 2019**

	Number of Charges	% of all charges filed
<b>Retaliation</b>	39,11	53.8 %
<b>Disability</b>	24,238	33.4 %
<b>Race</b>	23,976	33,0%
<b>Sex</b>	23,532	32.4 %
<b>Age</b>	15,573	21.4 %
<b>National Origin</b>	7,009	9.6 %
<b>Color</b>	3,415	4.7 %
<b>Religion</b>	2,725	3.7 %
<b>Equal Pay Act</b>	1,117	1.5 %

Source: The U.S. Equal Employment Opportunity Commission

Table 2 represents FY 2019 statistical data retaliation charges filed raised about 54 percent of total charges within 9 years. As it can be seen, retaliation is still the highest charge among other charges thus immediate solutions must be considered to numbers possible lowest number percentage.

### 2.3. Retaliation Claimants

As Sincoff, Slonaker, and Wendt (2006: 447) informed, immediate supervisors were identified by 52% of the retaliation claimants as the source of the retaliatory actions. The reason is that immediate supervisors are responsible for imposing discipline, and have day-to-day contact with their subordinates (Sincoff et al, 2006: 447). Being identified as the source of the retaliation action makes an immediate supervisor position more difficult. On the other hand, knowing that would make supervisors more careful in their daily tasks especially when they communicate with subordinates.

#### 2.3.1. Retaliations and the Organization

From now on the analyzed organization will be called “Local Government” for protection purposes. It has been established that the local government has been faced with several lawsuits. The reasons for these lawsuits include allegations of discrimination, retaliation, sexual harassment, and violations of the State law, as well as the federal Clean Water Act. Since the focus of this study is allegations of retaliation against the organization only retaliation charges are included.

According to publicly available data, the Local Government has paid 750,000 dollars to settle lawsuits within two years (2010 and 2011). According to the same data, two more Local Government employees filed a lawsuit against Local Government in 2011 for allegations of retaliation. Moreover, a whistleblower gets 575,000-dollar settlement in 2015 because of getting fired after reporting an abuse. The cost of retaliation might be more or less half a million dollar annually. The effect of retaliation is not only monetary but also negative media attention, damaged public image, decreased moral among employees, unknown victims may show up, and so forth.

### 3. METHODOLOGY

The recent lawsuit examples demonstrate the apparent costly conflict within the local government. First, to determine if the organization’s basic structure and system are contributing to this negative conflict, the organizational structure is reviewed. Since most of the retaliation cases took place at the Division of Community Correction there might be internal and external environmental contributors to this problem. To explore if there are internal contributor effects to the problem job descriptions of a correction officer is investigated and compared with other organizations’ job description for the same position, as well as training requirements.

### 4. ORGANIZATIONAL ANALYSIS

In this paper organizational analysis is based on the work of Bolman and Deal (2008). Applying their study, local government is analyzed in order of four frames; 1. Structural, 2. Human Resources, 3. Political, and 4. Symbolic. Since problems arise when structure does not fit a situation, structural frame allows us to review organizational chart, goals, mission, specialized roles, and formal relationships, division of labor rules, policies, procedures, and hierarchies. The human resources frame underlines the relationship between people and organization where the political frame puts power and conflict at the center of organizational decision making. Symbolic frame centers on complexity and ambiguity and emphasizes the idea that symbols mediate the meaning of work and promote culture (Bolman and Deal (2008). The following list (Table 3) provides information about how to interpret these four frames.

**Table 3: Four Frames Interpretations of Organizational Processes**

	<b>Process</b>
Strategic Planning	Structural: Strategies to set objectives and coordinate resources Human Resources: Gathering to promote participation Political: Arenas to air conflicts and realign power Symbolic: Ritual to signal responsibility, produce symbols, negotiate meanings
Decision Making	Structural: Rational sequence to produce right decision Human Resources: Open process to produce commitment Political: Opportunity to gain or exercise power Symbolic: Ritual to confirm values and provide opportunities for bonding
Reorganizing	Structural: Realign roles and responsibilities to fit tasks and environment Human Resources: Maintain balance between human needs and formal roles Political: Redistribute power and form new coalitions Symbolic: Maintain image of accountability and responsiveness; negotiate new social order
Evaluating	Structural: Way to distribute rewards or penalties and control performance Human Resources: Process for helping individuals grow and improve Political: Opportunity to exercise power Symbolic: Occasion to play roles in shared ritual
Approaching Conflict	Structural: Maintain organizational goals by having authorities resolve conflict Human Resources: Develop relationships by having individuals confront conflict Political: Develop power by bargaining, forcing, or manipulating others to win Symbolic: Develop shared values and use conflict to negotiate meaning
Goal Setting	Structural: Keep organization headed in right direction Human Resources: Keep people involved and communication open Political: Provide opportunity for individuals and groups to make interests known Symbolic: Develop symbols and shared values
Communication	Structural: Transmit facts and information Human Resources: Exchange information, needs, and feelings Political: Influence or manipulate others Symbolic: Tell Stories

Meetings	Structural: Formal occasions for making decisions Human Resources: Informal occasions for involvement, sharing feelings Political: Competitive occasions to win points Symbolic: Sacred occasions to celebrate and transform the culture
Motivation	Structural: Economic incentives Human Resources: Growth and self-actualization Political: Coercion, manipulation, and seduction Symbolic: Symbols and celebration

Source: Reframing Organizations; Artistry, Choice, and Leadership, Bolman and Deal; 2008; Table 15.: 314

#### 4.1. Structural Frame

The Local Government has over 3,000 individuals in various positions including professional, public safety, technical, clerical, trades work, administrative among others. The Local Government operates under a Mayor-Council form of government. The Mayor is the chief executive officer and is elected to serve a four-year term. The County Council has fifteen members and is tasked with establishing budgets, setting policy and levying taxes.

**The mission statement of the local government** - The mission statement of the local government is as follows. "Working in partnership with the community to provide a safe and secure environment, excellent customer service, a vibrant organization, and economic opportunity empowering all to thrive".

This mission is supported by the following values: leadership; innovativeness, proactive, ethical, visionary, inclusive, collaborative, fiscal responsibility; accountability and results oriented, understanding; open communication (listening & feedback) sensitive to the needs of citizens and each other, awareness of current and future needs, continuous improvement; proactive, well planned, inclusive, and great service; effective, efficient, results oriented, responsive, well trained, equipped, supported employees.

**Policies** - The Code of Ordinances and the CAO policies were compared to see if they were in controversy on harassment issues. When comparing the Code of Ordinances and the COA policy, there is no disagreement between the two. The CAO Policy and the Procedure for Harassment Complaints also indicates that (Policy #5): Retaliation against an employee for filing a bona fide complaint under this policy or for assisting in an investigation of a potential violation of this policy is strictly prohibited and should be reported. Any supervisor or employee who has been found, after appropriate investigation, to have harassed another employee or to have violated any portion(s) of this policy will be subject to appropriate disciplinary action up to and including charges being filed for dismissal.

It has been observed that the Policy #5 was issued in 1997, and was revised in 2004 and 2006. The CAO Policy #5, states that, "to ensure understanding of and compliance with this policy, the Local Government will provide regular, periodic training for employees about harassment in the work place. Every employee shall receive a copy of this memorandum and a copy shall be posted on bulletin boards in each division." Memorandum was not observed on their bulletin boards. Although the CAO's policy states that the Local Government would provide regular periodic training about harassment in the workplace but they provided training only during the new employee orientation and never offered again.

The next document that was examined was the Local Government Employee Handbook. The uniform disciplinary code states that employees would be disciplined with oral warning, written reprimand, suspension without pay, and dismissal if they performed the following: Verbal threats or harassing statements: 1. Statements, including written or e-mail statements, that seriously alarm, annoy, intimidate or harass a person or which could cause reasonable person to suffer mental distress; or 2. Oral threats to commit any act likely to result substantial damage to property. According to publicly available data, the employees stated that the organization has a "blind eye" when it comes to harassment in the workplace. Nobody wants officially complain because we know that nothing would change, and we did not want to be the trouble maker".

**Human resources frame** - Management Partners conducted an organizational review for the local government in 2008. Throughout their review, the sluggish hiring process was universally criticized by management and employees in both focus groups and the employee survey. The Code of Ordinances and the Revised Statutes direct how some of the HR process flows (requisition and certification, recruitment, employee qualifications, applications, examinations, eligibility lists and appointments) and require many different levels of approval. In addition to the Code and RS requirements, policies and procedures internal to the Division of Human Resources contribute to a culture of control and poor service to departments who are in fact customers of Human Resources. They recommended that Human Resources must focus on the duties and

responsibilities it carries out with an attitude of service and helpfulness rather than control to facilitate better relations with the organization.

**Political frame** - According to Bolman and Deal (2008: 209) “organizations are coalitions composed of individuals and groups with enduring differences who live in a world of scarce resources. That puts power and conflict at the center of organizational decision making “. The authors assert that, managers need to understand and learn how to manage political processes. The political frame can also help a leader to initiate change.

**Symbolic frame** - Symbolic frame centers on complexity and ambiguity and emphasizes the idea that symbols mediate the meaning of work. Organizational symbols are created to eliminate confusion, ambiguity to provide direction and secure hope and faith. As Bolman and Deal, (2008: 278) emphasized “stories carry values and serve as powerful modes from the tyranny of facts and logic; they simulate creative alternatives to time-worn choices”. As it is mentioned above, employees believe that the organization has a blind eye on sexual harassment which can be turned into a bad story. Accordingly, employees may share bad stories that may direct the employees to stay quiet instead of reporting when they face sexual harassment. All of it would create a hostile work environment, and the situation may lower employees' morality, motivation, trust, and organizational citizenship as well.

**Culture of the local government** - According to Saeed et al. (2010), the organizations do not operate in a social vacuum but are influenced by the socio-cultural context (as cited in Hofstede, 2001). The organizational culture has also been considered a form of organizational capital (Camerer & Versalainen, 1998). Organizational culture (OC) consists of behavior, action, and values that people in an organization should share and follow them. As Balaji et al. (2020) put, an effective organizational culture can connect its values and standards to its employees. Therefore, everybody in organizations would know how they should react to a situation, and have faith on that they will be rewarded as long as they genuinely incorporate organizational beliefs and values (Balaji et al. 2020). It seems like the culture of the local government is diverse, and it has an office of Diversity and Inclusion. The main goal of this division is to encourage an inclusive workplace culture and make employees feel respected, their identities valued in the local government. Since organizational culture leads people to behave, act and sets values, it doesn't look like the local government has an established culture. Otherwise, people would know how to handle problems before they turn to a retaliation case.

## 6. RECOMMENDATIONS

A deep analysis of the subject for the organization revealed that there are possible remedies to prevent retaliation charges. Since retaliation occurs during reporting to the related authority, organizations should seriously consider finding solutions before it happens. Especially organizations that spend noteworthy resources to upsurge and hearten employee reporting openly should also apply strategies to protect against a latent increase in retaliation. After completing the organizational analysis, the following are recommended in order to prevent retaliation at the local government. The following recommendations would be applicable to any other organization as well.

### 6.1. Having a Stand-Alone Retaliation Policy

Currently, retaliation is mentioned within a short paragraph under the CAO harassment policy in the local government. A short paragraph does not make enough of a strong emphasis on retaliation. Twomey (2011: 62) recommended that employers should publish the employer's encouragement to employees to notify the employer of perceived violations. The employer should also publish the name and telephone number of the Chief Human Resources Officer (CHRO) to whom complaints of discrimination and/or retaliation can be made.

Valenti and Burke (2010: 246) also argued that not only should firms have written anti-retaliation policies, clearly indicating that any form of retaliatory behaviors towards employees is strictly prohibited, but also an internal retaliation complaint procedure. Such written policies and procedures, especially when reiterated in training and by top managers, signal to employees what type of culture the company wants to create and/or maintain; they also are useful for conveying to the EEOC, or to any judge or jury, that informed and proactive action has been taken in good faith by the firm's management.

According to Valenti and Burke (2010) it is important that the organization follows its own retaliation policies and procedures consistently (as cited in Archer and Lanctot 2007: 246), meaning that the policies must be enforced methodically and similarly across similar situations. Even after several lawsuits, it is also found that local government does not have a retaliation policy.

### 6.2. Providing Training and Making Clear Communication

The EEOC has concluded that many of the cases could have been prevented if management conducted training, held managers accountable, and disciplined those who didn't follow the rules. HR in the local government should establish ongoing

training programs for all levels of supervisors to ensure that managers understand actions that may be construed as retaliation and the very real consequences to the employer of retaliatory litigation. Although the local government provides training on harassment, there is no training offered on retaliation. These types of training must be mandatory for all level of managers. Valenti and Burke (2010: 246) suggested that the retaliation reporting procedure should engender trust and be based on the principle of confidentiality and communications. HR oversight should be maintained to ensure an objective, timely, and professional handling of any internal complaints of retaliation and the complainant should be updated on the status of the investigation.

As Valenti and Burke (2010) mentioned, any anti-retaliation policy and retaliation complaint procedure should be communicated periodically in multiple forms to both current and new employees. Sincoff et. al (2006) recommended that as a consequence, managers should consider two actions: (1) devote sufficient training dollars to immediate supervisors, training them to recognize, and avoid all forms of discrimination, including the concept of retaliation discrimination; and (2) separate a discrimination claimant from their supervisor when discrimination is reported that identifies the supervisor as the source, at least until a full investigation of the allegation is completed.

### **6.3. Complainant Still Working**

In most of the law suits cases, the court favored the employee when an employer displaced the complainant employee to another supervisor or lighter positions. Twomey (2011: 58) suggested that to eliminate or reduce the potential for retaliation where the complainant employee continues in employment after filing charges, the CHRO should meet with the complainant. The CHRO should assure the individual of the employer's commitment to its no-retaliation policy, and to offer continuing assistance with any problems that may exist or occur in the future. The CHRO should also explore possible protective accommodations that could be made for the individual such as working under a different supervisor-performance evaluator.

### **6.4. Documentation of Employment Actions**

Keeping employee records of documentation is the foremost responsibility for managers. The documents should be in writing and include employee's actions, discussions, performance, incidents, witnessed policy violations, disciplinary actions, positive contributions, reward and recognition, investigations, failure to accomplish requirements, and more. When it comes to disciplining of employees, those documents will be the key sources to make decisions about disciplinary action. For example, when a manager gives a good performance evaluation all the time, then there is no evidence that the employee is performing poorly. Managers need to know, understand, and identify employees' reasons for wanting to discipline or terminate an employee and then follow the firm's reasonable policies (Archer and Lanctot 2007:61).

### **6.5. Disciplinary Actions and Improvement Plans**

According to Valenti and Burke (2010:248), employees should clearly understand expectations for performance improvement and the specific workplace behaviors they are expected to demonstrate or modify. In addition, any performance standards applied to the employee should be appropriate and reasonable. In terms of good practice, managers should create a performance improvement plan with benchmarks and time frames for expected achievement built-in progress checks can also be instituted (Archer and Lanctot 2007:57). Still the most challenging situation that employers face is when the employee-plaintiff is a poor performing employee and files a retaliation claims as a desperate act to maintain job security. As Archer and Lanctot (2007:53) advice, "Employers must move forward with an eye to mitigating any potential harm from those who abuse the anti-retaliation statutes, while implementing policies and practices to comply with the spirit of the law and avoid any cause for the underlying charges in the first place."

### **6.6. Training Employees**

Employees should be trained on their legal rights in the workplace and be especially knowledgeable about federal and state statutes that can provide them protections against employer wrongdoings. HR at local government must establish a friendly policy. HR must ensure that employees should be especially meticulous in following any written internal (complaint or investigation) procedures that have been outlined by the local government. They should also provide information on how to obtain resources when they are in need.

### **6.7. Reviewing Job Description and Requirements**

To address an internal contributor of conflict, the job description of a correction officer is investigated and compared with other organizations. The local government requires completion of high school or GED; or equivalent combination of experience and training which provides the required knowledge, skills and abilities. However, most of the organizations require one year of fulltime professional experience in corrections, counseling, education, law enforcement, parole,



probation, psychology, social work, or related experience. A Bachelor's degree from an accredited college is also required. Course work in any one of or a combination of the following subject areas is required: Behavioral Sciences; Criminal Sciences; Secondary or Adult Education; Social Sciences; or related areas. In-house training for correction officers varies from six months to a year. The local government should improve by providing detailed job description and increase minimal requirements for correction officer positions.

## 7. CONCLUSION

Although retaliation is classified under discrimination it is taken as a special charge. The increasing number of retaliation cases in the United States needs more attention to the causes to solve this problem. Lawsuit settlements for the retaliation against employees are costly conflicts in which the local governments would spend settlement payments for other services for the public, such as constructions, air quality, etc. This study aimed to explore the relationships between organizational behavior and retaliation against employees in the USA and increase attention among scholars for further research as well.

The four frames used that are the structural frame, the human resources frame, the political frame, and the symbolic frame. The organizational structure includes the mission statement and policies. After reviewing the mission statement, it revealed that it supports several values such as leadership, proactive, ethical, visionary, inclusive, collaborative, sensitive to the needs of citizens, etc. Opposite to the mission, policies have conflicts and inconsistent. Reviewing the human resources frame confirmed the frame itself is not compatible. On the other hand, the political frame is in agreement with the organizational structure, and it is clear. Furthermore, the local government lacks the organizational culture, which is a main norm to lead people to behave.

Although this study is based in the USA, retaliation problems are not a unique issue to organizations in the USA. It is an organizational problem in the world that more research should investigate this issue at the global level. Though retaliation is among the biggest high-cost and most common problems in workplaces, the subject had insufficient attention. Although many organizations had retaliation problems and allegations the same organizations are still facing retaliation problems. The situation raised many questions such as; why those organizations do not take cautious steps to prevent retaliation charges and why it is still a challenge. Thus, the subject of retaliation should be revisited to come up with solutions preventing retaliation cases and reduce related costs.

In sum literature review revealed that there is plenty of amount of study focused on the reasons for the retaliation conflicts. A gap exists in the literature about offering solutions and applications. This study will contribute to the literature on the implication of techniques that may help retaliation charges to decrease. Thus the results of this study can be useful for preventing conflicts in every organization. Looking at the problem from this view, managers would gain insight for preventing retaliation conflicts. Either private or public organizations can apply the results of this study to analyze the root of the conflict. Though little attention is paid to the subject by scholars, and therefore it needs to be explored more. In terms of future research, to find out if managers' and supervisors' psychology is causing retaliation problems could be studied.

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