

# AntitrustConnect Blog

## Antitrust Whistleblowers Get Another Shot at Federal Protection from Retaliation by Employers

Jeffrey May (Wolters Kluwer) · Thursday, July 16th, 2015

UPDATE: The bi-partisan “[Criminal Antitrust Anti-Retaliation Act of 2015](#)” passed the Senate by unanimous consent on July 22.

A bill is advancing through the U.S. Senate that would protect employees who report suspected criminal antitrust activity to their employer or the federal government from workplace retaliation. The proposed “Criminal Antitrust Anti-Retaliation Act of 2015” (S. 1599) was reported out of the Senate Judiciary Committee on June 16.

A similar bill was passed unanimously by the Senate in the last Congress; however, the measure was not taken up by the House at that time. With the current bill moving through the Senate, it’s up to House lawmakers to act on the bill when it likely passes the upper house.

Under the proposed legislation, an employee who alleges discharge or other discrimination can seek relief from the U.S. Department of Labor. Relief could include reinstatement, back pay, and compensation for litigation costs and attorney fees. The protections are modeled on whistleblower protections contained in the Sarbanes-Oxley Act.

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) and Ranking Member Patrick Leahy (D-Vt.) sponsored the proposed legislation. As introduced on June 17, [S. 1599](#) was identical bill to the bill passed by the Senate in the last Congress. Grassley noted that a “few concerns that were raised this Congress” had been “ironed out.” The changes were reflected in a [Managers’ Amendment](#).

The bill would amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. That law provides protections for companies that are the first to self-report antitrust violations to the Department of Justice Antitrust Division and are accepted into the Antitrust Division’s leniency program.

In a [statement](#), Grassley suggested that the proposal is intended to address the Antitrust Criminal Penalty Enhancement and Reform Act’s failure to provide “protections for innocent third-parties who blow the whistle on criminal antitrust activity.”

“Since we’re willing to incentivize folks to report their own bad behavior, surely we ought to protect those who blow the whistle on the bad behavior of others,” Grassley said. “In this case, that bad behavior harms businesses, consumers, and our economy.”

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