

## United States Senate Passes Criminal Antitrust Anti-Retaliation Act

On October 17th, the U.S. Senate passed legislation to heighten protections for whistleblowers who report antitrust violations, allowing them to sue in court if they suffer termination, demotion or other retaliation. The Criminal Antitrust Anti-Retaliation Act (CAARA) is co-sponsored by Iowa Republican Sen. Chuck Grassley and Vermont Democratic Sen. Patrick Leahy.

### WHAT YOU NEED TO KNOW

The bill is intended to fix a hole in the 2004 Antitrust Criminal Enhancement and Reform Act, which did not initially provide enough protection for whistleblowers. It also aims to encourage more whistleblowers to come forward by offering safeguards to those who provide information to supervisors or federal prosecutors related to violations of sections 1 or 2 of the Sherman Act.

According to the bill, if the employee faces retaliation, she or he could then file a grievance with the U.S. Department of Labor. If that is successful, the employer must reinstate the employee with back pay, interest and special damages compensation.

### WHAT YOU NEED TO DO

CAARA, having passed the senate unanimously, now moves to the House of Representatives, where several earlier versions have failed over the last six years. However, the current iteration of the statute has received endorsement of the DOJ Antitrust Division, which we feel should improve its chances of passage in the House. Employers should consult with counsel to confirm that their own internal reporting procedures and investigation protocols are adequate under existing laws.

#### FOR MORE INFORMATION

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