

Publications

Managing Whistleblowers from an Employer's Perspective

Related Services

Employer Internal Investigations

Employment Counseling

Labor and Employment

AUTHORED ARTICLE | 10.22.2019

Texas Lawyer

Jeff Heller, of counsel in the Vorys Houston office and a member of the labor and employment group, authored an article for *Texas Lawyer* titled "Managing Whistleblowers from an Employer's Perspective." The article provides tips for in house counsel and outside counsel who may be facing issues related a whistleblower situation in the workplace.

The article states:

"One of the first steps for the lawyer assisting a client facing whistleblowing allegations is to convince the client to take the matter seriously. This can be hard to do at times but whistleblowers may be working with regulators or government investigators or private counsel. The employer may not know the whole story at the early stage.

Additionally, counsel should identify a small group of managers who will receive privileged legal advice pertaining to managing individuals involved in a whistleblowing matter. Effectively this is a need-to-know group but when dealing with whistleblowers, keep the group small and limited to those whose involvement is most critical.

*It is also common for management to want to identify the person(s) involved. If that individual has not come forward, the focus should be on understanding the merits of the claim and gathering relevant facts that will help in later dealings with regulators. Outing a whistleblower, even inadvertently through a document preservation notice for example, can have disastrous consequences. *Halliburton v. Admin. Rev. Bd.*, 771 F.3d 254 (5th Cir. 2014)."*

To read the entire article, visit the *Texas Lawyer* [website](#). (Subscription may be required).