

Corporate Culture, Workplace Investigations & Whistleblower Litigation

Under the umbrella of ESG, as companies around the world face increased scrutiny from stakeholders and the public, more is at stake than ever before. Sullivan & Cromwell's top-ranked lawyers work with companies, boards and individual directors to identify potential cultural, litigation and reputational risks before they materialize.

S&C has broad experience in conducting clients' most sensitive and complex corporate culture and workplace internal investigations, including those stemming from allegations of discrimination and racial bias, sexual harassment, and other forms of widespread misconduct. We understand the external and internal business implications of this type of investigation, including its potential to disrupt employee productivity and morale, as well as its import to the company's reputation with corporate partners and customers. We take a multidisciplinary approach to all matters, tapping into the expertise of our lawyers in the Firm's [Labor & Employment](#), [Criminal Defense & Investigations](#), [Corporate Governance](#), [Corporate Governance Litigation](#), and [Crisis Management](#) practices.

The Firm also regularly investigates, reports on and resolves whistleblower claims and retaliation allegations brought against senior executives and corporations in a variety of industries. The Firm also routinely works with clients to create policies and procedures to address potential legal risks, including with respect to social responsibility, Human Capital Management, and diversity and inclusion.

S&C's
Corporate
Culture,
Workplace
Investigations
&
Whistleblower



Litigation Group includes eight former federal and state prosecutors; former bank regulatory counsel; and leading practitioners in banking, employment and securities and commodities regulation and enforcement.

The Firm regularly advises clients on concerns regarding:

- federal and state False Claims Act claims;
- potential violations of federal and state law;
- information technology and compliance concerns; and
- employee complaints of co-worker misconduct, including harassment, financial misconduct or other violations of corporate policy, as well as complaints of a toxic workplace.

In addition, the Group advises clients on human resources best practices, including the implementation of policies relating to whistleblowers, employee relations, termination, harassment and conflict resolution.

[Read more about our Labor & Employment practice.](#)

Recent Podcasts & Publications

PRACTICES & CAPABILITIES

Litigation

Antitrust

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Bankruptcy Litigation

Commodities, Futures & Derivatives

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**Corporate Culture,
Workplace Investigations &
Whistleblower Litigation**

**Corporate Governance
Litigation**

**Criminal Defense &
Investigations**

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European Competition

FCPA & Anti-Corruption

**Financial Services
Investigations & Litigation**

**Intellectual Property &
Technology Litigation**

Labor & Employment

**Products Liability & Mass
Torts**

**Securities & Commodities
Investigations &
Enforcement Practice**

Securities Litigation

**Supreme Court and
Appellate**

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- Article: [Market Trends 2019/20: Whistleblower Protections](#)
- Article: [The Limitations Of NY's Anti-Sexual Harassment Law](#)
- S&C Blog Post: [New York State Adopts New Legislation Governing the Workplace](#)

SELECTED REPRESENTATIONS

Sullivan & Cromwell's recent corporate culture, workplace investigations and whistleblower litigation experience includes representing:

- **Fiat Chrysler Automobiles**, in whistleblower litigation originally filed in Michigan State Court in May 2019 asserting claims under Michigan's Whistleblowers' Protection Act, and for violation of Michigan public policy and unjust enrichment related to FCA's decision to defer Plaintiff's long term incentive shares and an annual bonus for 2018 pending an ongoing internal investigation and investigation by the SEC regarding FCA's former monthly sales reporting practices. The parties reached a settlement in January 2020.
- **A large financial institution**, in a whistleblower retaliation case and related employment action. S&C has successfully litigated all phases of the case, including a three-day bench trial before a Department of Labor administrative law judge.
- **Barclays Bank PLC**, in successfully resolving employment-related whistleblower, breach of contract and indemnification claims brought by three former derivatives traders seeking payment of legal fees in connection with their UK criminal trial regarding alleged USD LIBOR-related conduct.
- **Goldman Sachs**, in an action brought by a former managing director claiming whistleblower retaliation, defamation and related common law claims in connection with the termination of his employment. Goldman Sachs' motion to compel arbitration of the claims was granted in July 2019.

- **Wells Fargo** and employees named as individual defendants, in several wrongful termination litigations filed by former employees in New Jersey state and federal courts asserting claims of slander and violations of the New Jersey Law Against Discrimination and the State's whistleblower statute, the New Jersey Conscientious Employee Protection Act. In one case, S&C identified an applicable arbitration agreement and is seeking plaintiff's consent to move the matter to arbitration.
- **A global financial institution**, in connection with U.S. investigations of allegations that senior management failed to properly follow the bank's policies and procedures concerning whistleblowers.
- **A FinTech company**, in conducting an internal investigation of the company's culture and responding to high-profile allegations of a toxic environment due to sexual harassment and misconduct.
- **A national sports league**, in connection with allegations in the press regarding the culture at one of the teams in the league, including allegations that the team owner and a high-level executive reportedly made racist and sexist comments. S&C conducted an internal investigation into the merits of these allegations.
- **A consumer and retail company**, in an investigation concerning allegations of racial bias and microaggressions in the workplace.
- **A former senior executive**, in a wrongful termination suit brought by a former subordinate who alleges she was sexually harassed and terminated in retaliation for filing a sexual harassment complaint with the company against S&C's client.
- **A company**, in connection with an anonymous letter raising allegations of racial bias in connection with the company's hiring and promotion practices and concerns about the company's perceived lack of responsiveness to employee complaints. The letter threatened to bring these issues to the press if they were not addressed. S&C conducted an internal investigation into the merits of these complaints and an assessment of the company's culture. S&C presented the findings of this investigation to a special committee of the board and will review initiatives the company will implement to create a more effective and diverse workplace.
- **A global financial institution**, in successfully resolving investigations by the DOJ and SEC concerning allegations raised by a former senior employee on the company's whistleblower hotline and in the media.