

Retaliation claims are minefield for the unprepared

An employee complains that he or she is being discriminated against by the company. You assure the employee you will look into it. You talk to the employee's supervisor, who tells you that actions taken were legitimate and related solely to the employee's performance. The supervisor, however, is furious and begins to torment the employee. What, if anything, should you do to protect the company from retaliation claims by the employee?

Federal, state, and local anti-discrimination laws often prohibit both acts of discrimination and acts of retaliation against an employee who complains about discrimination, either internally or to the government. Indeed, retaliation claims are one of the most common types of claims filed with the EEOC and the courts. They are potentially dangerous for employers because they are often easy for juries to believe. In many cases, the plaintiff loses the basic discrimination part of the case, but received a substantial jury award because the company retaliated against the plaintiff for complaining in the first place.

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