

HR Tips from Express



Retaliation

With the increase in employment-related lawsuits, all supervisors and managers should become familiar with the laws prohibiting retaliation. These types of claims are becoming more common, yet many supervisors are unaware of retaliation laws. It is important for supervisors to learn how to avoid retaliation claims so that they can protect themselves, their company and their employees. As your total HR provider, Express Personnel Services can help you handle this and other HR issues. Contact us today for more information.

Retaliation Defined

Retaliation is any adverse action (such as demotion, discipline, firing, salary reduction, negative evaluation, change in job assignment, hostile behavior or attitude, or change in shift assignment) that you or someone who works for you takes against an employee because he or she complained about harassment or discrimination. Retaliation also applies to employees who participate in an investigation of harassment or discrimination, even if they are not in a protected class based on race, religion, age, disability or any other protected characteristic.

Unfounded Discrimination

As an employer, you should know that even if an underlying discrimination/harassment claim is unfounded, a retaliation claim can succeed as long as the employee has a reasonable, good-faith belief that discrimination/harassment occurred and can prove that something negative happened as a result.

Unintended Retaliation

Although retaliation includes any action that you take with the intent of harming or punishing an employee for complaining, it can also include actions that you make with the best of intentions if they happen to have a negative impact on the employee. An example would be transferring an employee to another shift so they no longer have to work with the person they accused of harassing them.

Avoiding Retaliation Claims

The best way to avoid retaliation claims is to have a strong anti-retaliation policy and to train employees on the policy as well as your disciplinary procedures. If an employee complains of harassment or discrimination, you should take extreme care to ensure they do not suffer any type of adverse job action as a result. Make sure all parties involved know that retaliation is strictly prohibited and request that anyone who witnesses or experiences such action report it immediately.