

# Electronic Alert

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## **EEOC Refreshes Guidance on Retaliation** By Allison Jacobsen

Retaliation is the most frequent basis for discrimination claims made by employees, and charges alleging retaliation have nearly doubled since 1998. Retaliation claims arise when employees allege that they suffered an adverse employment action because they engaged in protected activity, such as making a complaint about discrimination. This week the Equal Employment Opportunity Commission (EEOC) replaced its 1998 Compliance Manual section on retaliation with new [\*Enforcement Guidance on Retaliation and Related Issues\*](#). This guidance covers many key laws relating to employment, including the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA), the Rehabilitation Act, the Genetic Information Nondiscrimination Act (GINA), and the Equal Pay Act.

Since 1998, the U.S. Supreme Court and various lower courts have issued a number of significant retaliation-related decisions. The *Enforcement Guidance* provides the EEOC's interpretation of the laws it enforces and its position on inconsistent lower court decisions.

In light of the staggering number of employment-related retaliation claims, the EEOC's latest guidance will serve as a useful resource for employers designing policies, practices, and trainings intended to avoid the increasingly common claim of unlawful retaliation.