



You (Might) Have the Right to Remain Silent

Publication

6.01.06

The employee who files a complaint of harassment or discrimination against his or her supervisor or coworkers is unlikely to be parking in the “Employee of the Month” space anytime soon. Even if the complaint has merit (and even more so if it does not), the employee’s act of filing the complaint is likely to make his or her relations with his or her supervisor and coworkers a bit uncomfortable. Most employees will find it easier – and safer – just to avoid the employee who complained. Sometimes this results in yet another complaint from the employee, a complaint that coworkers are shunning or ostracizing him or her. For the time being, however, a substantial majority of courts are unwilling to declare the “silent treatment” to be illegal.

This article appeared in the Summer 2006 issue of the *Employee Relations Law Journal*.