

EEOC Cracks Down on Retaliation

News

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The article “EEOC Cracks Down on Retaliation,” featured in *SHRM*, discussed the New Equal Employment Opportunity Commission (EEOC) proposed guidance that broadens the interpretation of what is considered unlawful.

Jay Hux provided insight on the proposed updated guidance.

Reprisal for discussing compensation may implicate EEO laws and the National Labor Relations Act, the guidance noted. That issue may not be on employer’s radar, said Jay.

Some of the guidance’s illustrations of protected opposition reflect recent EEOC positions. One example said, “An employee believes he is being harassed by co-workers based on his sexual orientation and complains to his manager and human resources. This is protected activity under Title VII [of the Civil Rights Act of 1964], because in light of EEOC’s stated legal position and enforcement efforts, individuals could have a reasonable belief that sexual orientation discrimination is actionable as sex discrimination under Title VII.”

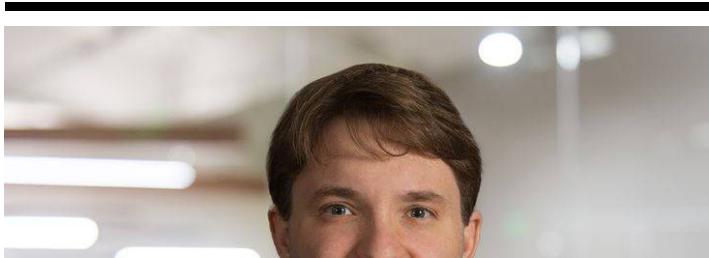
In defending itself from any number of types of retaliation claims, Hux emphasized that it’s particularly important for an organization to be able to show consistent enforcement of rules and for any discipline to be well-documented.

“There’s no shortcut for administering policies in the correct way,” he stated.

To read the full article, please visit [SHRM](#).

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James M. Hux, Jr.
Of Counsel
312.346.8061
[Email](#)