



Preventing Unlawful Discrimination, Harassment, And Retaliation

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In fiscal year 2012, 99,412 charges of discrimination were filed against employers, and the Equal Employment Opportunity Commission (EEOC) collected a record high of \$365 million from employers. The EEOC pursued 580 systemic investigations, resulting in the collection of \$36 million (four times more than 2011). On top of this, government agencies have refocused their efforts on enforcement. This article provides an overview of the basic legal responsibilities of employers in relation to laws that prohibit discrimination, harassment, and retaliation.

To safeguard against such claims, employers must first understand their legal responsibilities. Employers are required to maintain a workplace free from unlawful discrimination, harassment, and retaliation. Everyone, including applicants, employees, supervisors, managers, customers, and vendors, are covered. Employees are protected from discrimination and harassment based on their race, color, religion, national origin, sex, age, pregnancy, childbirth or related medical conditions, disability or handicap, citizenship status, veteran status, and any other category protected by federal, state, and local law. All employment decisions are covered, including those involving selection and hiring, assignment, reassignment, promotion, transfer, compensation, discipline, and termination.

Employers must listen to and take seriously every complaint of discrimination, harassment, and retaliation. Employers must not retaliate against any employee reporting or participating in an investigation of discrimination or harassment. Virtually every employment law has some sort of retaliation or whistleblower protection, and employees know it.

Before employers can implement policies and procedures that minimize claims of discrimination, harassment, and retaliation, they must understand their legal responsibilities. After they develop this understanding, employers can take the necessary steps to ensure legal compliance.

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