



Avoiding Liability for Retaliation Claims

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Lonnie Giamela and John Mavros' article "Avoiding Liability for Retaliation Claims" was featured in *Hotel Executive* on December 20, 2014.

Retaliation lawsuits are the most common claims brought against employers before governmental agencies and are increasing in frequency in the civil court system. According to the Equal Employment Opportunity Commission (EEOC), in 2013, a retaliation claim was made in 41.1% of all charges submitted to the EEOC. This is more than discrimination based on race and more than discrimination based on disability. Even more concerning is the consistent uptick in retaliation allegations. Retaliation claims have increased in number every year since 1997. So, what can employers do to protect themselves against this ever-growing liability?

In the article, Lonnie and John explain what retaliation is and provide employers with the following tips on how to issue spot when a particular set of facts poses a high risk for a retaliation claim.

Issue No. 1 – Write up the employee immediately and completely.

Issue No. 2 – Be consistent with discipline.

Issue No. 3 – Investigate all complaints fully and communicate with employee.

Issue No. 4 – Ensure that all relevant decision-makers know what happened to make an informed decision.

Issue No. 5 – Document termination decisions immediately to establish a timeline.

Retaliation claims often arise based on circumstances that the employer may not have even realized existed. Accordingly, any adverse employment action should be reviewed on a case by case basis, taking into account all available information. Following these issue spotting tips will help keep you and your hotel out of the courtroom.

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

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