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Labor and Employment Update

EEOC Issues New Enforcement Guidance on Retaliation

On August 29, 2016, the Equal Employment Opportunity Commission (“EEOC”) issued its final Enforcement Guidance on Retaliation and Related Issues (“Guidance”). The Guidance addresses retaliation under each of the statutes enforced by EEOC, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Title V of the Americans with Disabilities Act (“ADA”), Section 501 of the Rehabilitation Act, the Equal Pay Act, and Title II of the Genetic Information Nondiscrimination Act. Also, the Guidance addresses the separate “interference” provision under the ADA, which prohibits coercion, threats, or other acts that interfere with the exercise of ADA rights.

Topics explained in the new guidance include: (1) the scope of employee activity protected by the law; (2) legal analysis to be used to determine if evidence supports a claim of retaliation; (3) remedies available for retaliation; (4) rules against interference with the exercise of rights under the ADA; and (5) detailed examples of employer actions that may constitute retaliation.

For further information about the new EEOC Enforcement Guidance on Retaliation, please contact the attorneys of Reichard & Escalera.

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