



Personnel Practices Audit: Retaliation Prevention

According to the EEOC, the most frequent workplace discrimination and harassment complaint they receive is an allegation of retaliation for raising either discrimination or harassment. In fact, retaliation claims accounted for more than 51% of all complaints in the last five years. There's a simple reason why. Retaliation is easier to prove than discrimination or harassment because retaliation is defined as anything that would have dissuaded a worker from complaining in the first place. Thus, retaliation can be anything from a shift change to dismissal.

Use this form to minimize the chances of an employee filing a retaliation claim. Begin by keeping a list of all discrimination and harassment complaints you receive. For each, do the following:

1. Have you informed the employee in writing that the company does not tolerate any form of retaliation against anyone who makes a complaint or participates in the investigation of any complaint?
 - Yes
 - No
2. Have you promptly investigated the complaint and informed the employee of the outcome?
 - Yes
 - No
3. Have you reached out to supervisors and reiterated that the company does not tolerate retaliation?
 - Yes
 - No
4. Have you reminded the employee again that the company does not tolerate retaliation?
 - Yes
 - No



5. Did you check back with the employee at the 30-day mark – in writing and ask specifically if there has been any retaliation or new problems?
- Yes
 - No
6. Did you repeat the check-in at 90 days and again at 180 days – again, in writing?
- Yes
 - No

If you answered yes to these questions, you've minimized the chances that an employee who came forward with a discrimination or harassment complaint or participated in an investigation will file a retaliation lawsuit.