

The EEOC Wants To Hear Your Opinion On Retaliation Claims Under Title VII

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If you would like to add your two cents to the debate about compliance with anti-retaliation provisions in Title VII and other federal non-discrimination statutes, the EEOC is listening. The EEOC has announced that it has prepared an Enforcement Guidance on retaliation and has now opened the process for public comments. The EEOC last issued guidance on retaliation back in 1998, so now it is seeking to update its guidance to incorporate recent rulings from the U.S. Supreme Court and lower federal courts that involve interpretation of retaliation provisions in federal laws. For employers – and the lawyers who advise them – claims of retaliation in employment are often more challenging to defend and harder to dismiss on summary judgment than disparate treatment discrimination claims. According to the EEOC, the percentage of retaliation charges has nearly doubled since 1998, and retaliation is the most frequently alleged type of violation in charges that are filed with the federal agency. Those who would like to provide input on the draft guidance can do so by electronic or mail submission by Feb. 24. The EEOC has posted its [draft retaliation guidance](#). Further information, including details for submitting comments, is available on the [EEOC website](#).

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