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Protecting Your Legal Rights-Harassment and Retaliation in the Workplace

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Harassment is generally defined as unwelcome conduct which adversely affects an individual's employment by unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment. The federal anti-discrimination statutes such as Title VII (race, gender, religion or national origin), the Age Discrimination in Employment Act (an employee over 40) and the Americans with Disabilities Act, are created to protect employees from illegal discrimination and harassment. Today, most employers have a written policy against harassment which is generally distributed to employees. The anti-harassment policy should direct the employee as to whom to complain regarding the offensive conduct without fear of retaliation. After receipt of the complaint, the employer is legally obligated to investigate the allegations and take prompt remedial action to stop the harassing behavior. An employer can be held liable if it fails to take prompt remedial action sufficient to stop the offensive behavior.

Additionally, any adverse action by the employer against the employee for reporting the harassing conduct can subject the company to legal action for retaliation. Terminating an employee because of a complaint of harassment is a violation of certain state or federal laws and is known as retaliatory discharge. Also, if an employee complains of discriminatory conduct and then is demoted, terminated or otherwise adversely treated by the employer because of that complaint, then the employee would have a valid claim of retaliation. Damages for harassment and retaliation can subject an employer to a federal or state court action for damages including the employees lost wages, benefits, attorneys' fees, costs, compensatory and punitive damages. If you believe that you were terminated or adversely treated for making a complaint of harassment you are well advised to promptly seek legal advice. In order to pursue a case for harassment or retaliation most often a Charge of Discrimination must be filed with a state or federal administrative agency. Because quick action is required as the time limitations are strict, I encourage you not to delay receiving information regarding your legal rights. For further information, please visit my web site at www.joettedoran.com

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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