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## **How is an employer suppose protect themselves? – EEOC issues guidance**

In the EEOC guidance issued August 29, 2016, the agency was kind enough to identify some key steps employers of all sizes can take to protect themselves from potential claims.

The EEOC acknowledges there is no single best practice **but** employers could implement the following five (5) promising practices to “minimize the likelihood of retaliation violations”

1. Maintain a written, plain-language anti-retaliation policy, and provide practical guidance on the employer's expectations with user-friendly examples of what to do and not to do.
2. Consider training all managers, supervisors, and employees on the employer's written anti-retaliation policy, and sending a message from top management that retaliation will not be tolerated.
3. Managers and supervisors alleged to have engaged in discrimination should be provided with guidance on how to handle any personal feelings about the allegations when carrying out management duties or interacting in the workplace.
4. Employers may also wish to check in with employees, managers, and witnesses during the pendency of an EEO matter to inquire if there are any concerns regarding potential or perceived retaliation. This may help spot issues before they fester, and to reassure employees and witnesses of the employer's commitment to protect against retaliation.
5. Employers may choose to require decision-makers to identify their reasons for taking consequential actions, and ensure that necessary documentation supports the decision. Employers may examine performance assessments to ensure they have a sound factual basis and are free from unlawful motivations, and emphasize consistency to managers.

The EEOC offers a very comprehensive [FAQ](#) on their new retaliation guidance. Employers are encouraged to review it.