

Retaliation

Lawyers working in the field of federal employment law are very familiar with the legal concept of retaliation. Unfortunately, too many employees are also familiar with retaliation, though they do not always call it by this name. Retaliation occurs when an employee engages in “protected activity” such as legal activity or the filing of complaints or grievances and is subsequently the target of adverse actions by management.

The most important thing to remember about retaliation is that it is illegal. If you feel that you have been retaliated against for engaging in protected activity, you should immediately contact a federal employment lawyer. It is important to act as soon as possible for several reasons. First, there are many deadlines for filing suits protesting retaliation, and if the deadlines are not met it will become extremely difficult to prevail under discrimination law no matter how strong your case is. Second, the earlier you take action, the fresher your recollection of events will be. This is especially important if you have not been documenting everything that has occurred during the time frame of your case.

For some employees, like federal employees, a 45 day deadline applies. For others, it may be 180 or 300 days. One must consult a qualified employment law attorney for advice and guidance as soon as retaliation is suspected.

Another thing that is important to note is that a claim of retaliation is completely distinct from a claim of discrimination. Under federal employment discrimination law it is possible to file a claim of discrimination, have it dismissed, and still successfully prosecute a claim of retaliation. Retaliation is not discrimination in and of itself, rather it is action taken by management to punish employees who “rock the boat”. Claims of retaliation, however, can be as complicated as any other issue in federal employment law. If you suspect you have been retaliated against you should immediately contact an experienced federal employment lawyer who can help you win your case.