

2026 **NADASHOW**

**LAS VEGAS**  
FEBRUARY 3-6



# Workplace Retaliation: Recognizing Risk and Responding Right

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*The Employment Law Translator*<sup>®</sup>



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# Why should you even care about retaliation?

88,531\*

\*Fiscal 2024

\$700,000,000

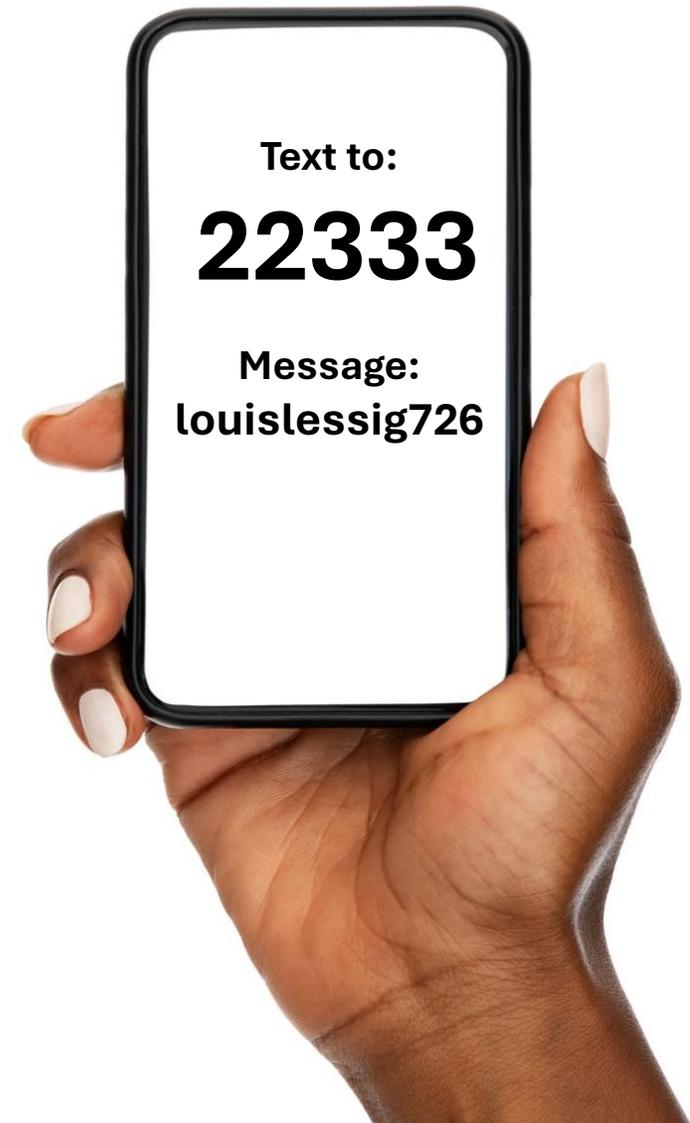
# Please Take Out Your Phone and Join in!

Text to:

**22333**

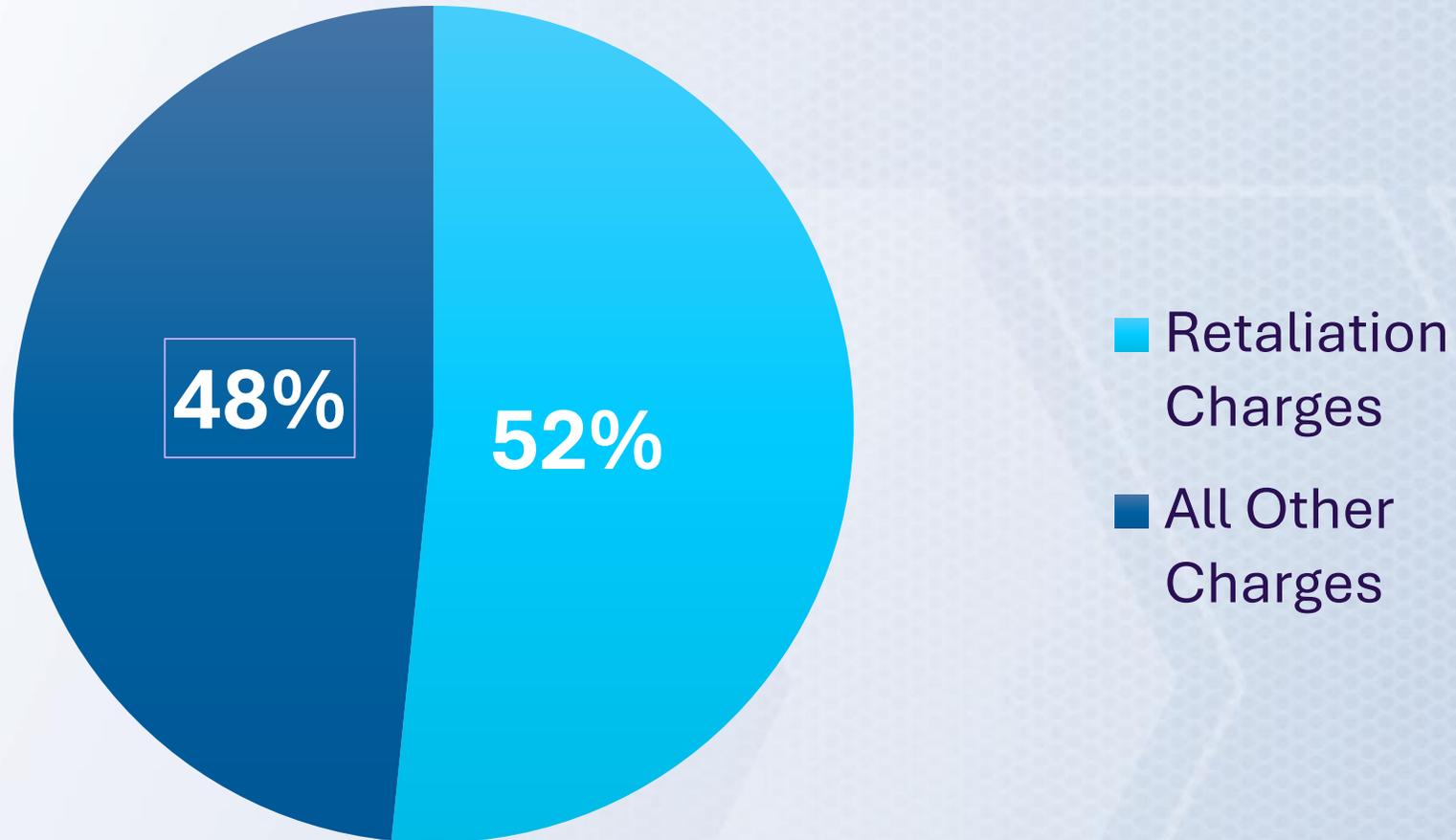
Message:

**louislessig726**





# EEOC Retaliation Stats



# Retaliation:

1. Engage in “Protected Activity”
2. A material “adverse action; and
3. A causal connection existed between the protected activity and the adverse action





Attempting  
to Take  
Leave

## **Protected Activity**



Making a claim for  
discrimination



Filing or participating  
in an EEOC  
investigation



Requesting a  
reasonable  
accommodatio  
n

# The Usual Suspects

Termination

Reduction in pay/hours

Demotion

Change in salary

Poor performance evaluation

If a manager transfers an employee to a different shift after they complain about harassment, but it is for coverage needs, could it still be retaliation?

Yes



No



I'm not sure



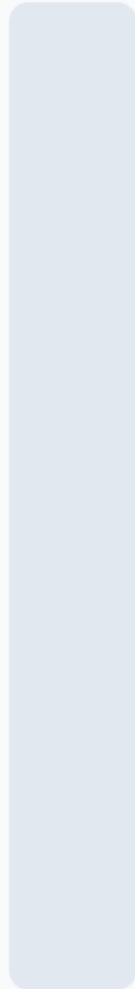
A multi-story brick apartment building with balconies and windows. The building is constructed of reddish-brown bricks and features a grid of windows and balconies. The balconies have dark metal railings. The text "Doing Your Job?" is overlaid in the center in a large, white, sans-serif font, with a thin white horizontal line underneath it.

# Doing Your Job?

Case 1 of 3

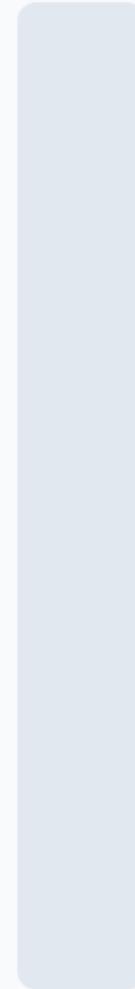
# Based on the facts as shared: Do you think Anthony prevailed on his retaliation claim?

0%



Yes

0%



No

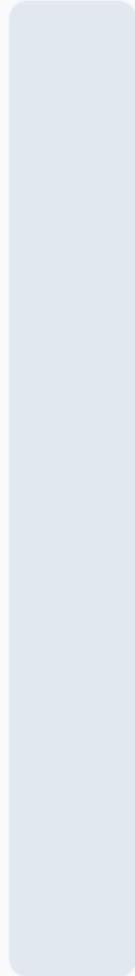


# Equality?

Case 2 of 3

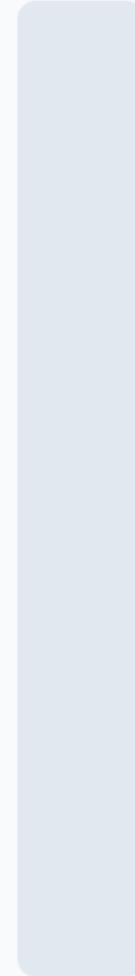
Based on the facts that you have, do you think the jury found retaliation here?

0%

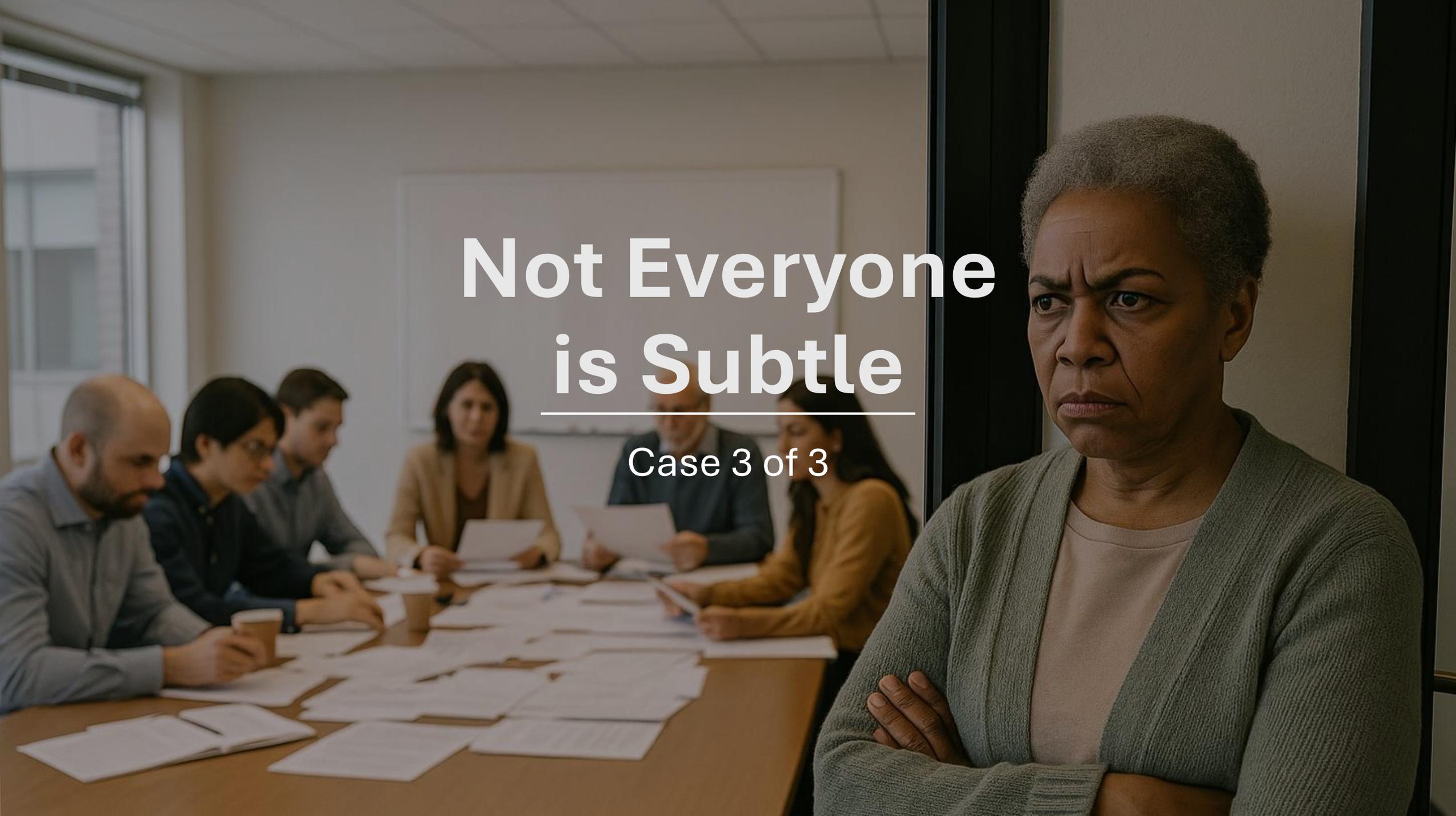


Yes

0%



No

The image is a composite. On the right side, there is a close-up of an older Black woman with short, grey hair. She has a serious, almost angry expression, with furrowed brows and a slight frown. She is wearing a grey cardigan over a light-colored top and has her arms crossed. On the left side, the background is a blurred office meeting. Several people are seated around a long wooden table covered with papers. They appear to be in a professional setting, possibly a conference room, with a whiteboard visible in the background. The overall lighting is soft and indoor.

# Not Everyone is Subtle

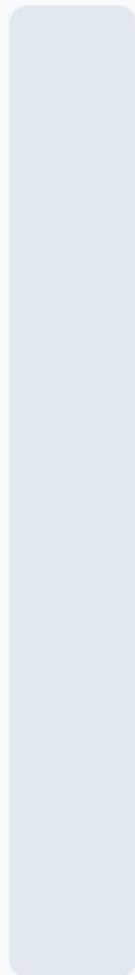
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Case 3 of 3

Based on the facts as presented, do you believe the jury found retaliation occurred here?

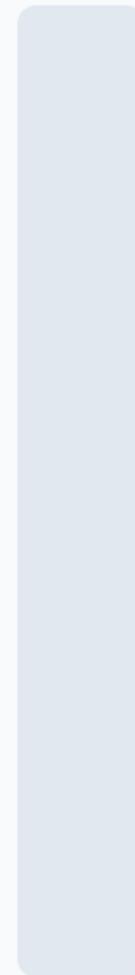


0%



Yes

0%



No

# Considering Time...



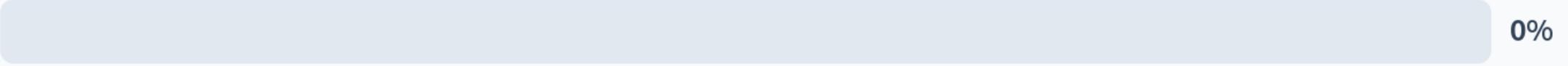
# How confident are you that your supervisors know how to avoid retaliation?



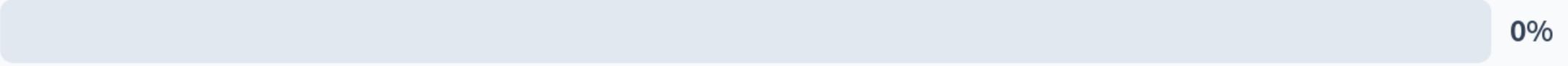
Very Confident



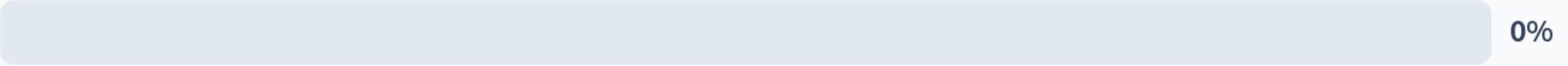
Hopeful that they get it



Time for me to pray



Not at all



# Building better...

Intentionally train  
supervisors, managers  
and c-suite

Document like your  
organization depended  
on it!

Take a moment to defuse  
the emotion

Civility is a REAL issue

Assume NOTHING

**...results for  
your profitability**



Our Peers

# Back at Your Desk

- Assess your supervisors
- Review your investigative process
- Consider focused management training
- Connect with your employment counsel



# QUESTIONS?

Let's Connect:

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