

Compensatory and punitive damages are available for retaliation claims under all of the statutes enforced by the EEOC, including the ADEA and the EPA. Compensatory and punitive damages for retaliation claims under the ADEA and the EPA are not subject to statutory caps.

Punitive damages often are appropriate in retaliation claims under any of the statutes enforced by the EEOC.

8-I INTRODUCTION

A. OVERVIEW

Title VII of the Civil Rights Act of 1964\1, the Age Discrimination in Employment Act\2, the Americans with Disabilities Act\3, and the Equal Pay Act\4 prohibit retaliation by an employer, employment agency, or labor organization because an individual has engaged in protected activity. Protected activity consists of the following:

----- PROTECTED ACTIVITY

- (1) opposing a practice made unlawful by one of the employment discrimination statutes (the "opposition" clause); or
- (2) filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute (the "participation" clause).

This chapter reaffirms the Commission's policy of ensuring that individuals who oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation. Voluntary compliance with and effective enforcement of the anti-discrimination statutes depend in large part on the initiative of individuals to oppose employment practices that they reasonably believe to be unlawful, and to file charges of discrimination. If retaliation for such activities were permitted to go unremedied, it would have a chilling effect upon the willingness of individuals to speak out against employment discrimination or to participate in the EEOC's administrative process or other employment discrimination proceedings.

The Commission can sue for temporary or preliminary relief before completing its processing of a retaliation charge if the charging party or the Commission will likely suffer irreparable harm because of the retaliation. The investigator should contact the Regional Attorney early in the investigation if it appears that it may be appropriate to seek such relief. See Section 8-III A. for guidance on the standards for seeking temporary or preliminary relief.

B. BASIS FOR FILING A CHARGE

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Hussin A.Rothana



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