

EEOC Updates Covid-19 Technical Assistance Covering Retaliation

Joins DOL & NLRB in Interagency Initiative to End Retaliation

The U.S. Equal Employment Opportunity Commission (EEOC) updated its [COVID-19 technical assistance](#) to include more information about employer retaliation in pandemic-related employment situations. This updated technical assistance also supports the EEOC's participation in an [interagency initiative](#) to end retaliation against workers who exercise their protected labor and employment law rights. The other participants in the initiative are the U.S. Department of Labor (DOL) and the National Labor Relations Board (NLRB). The initiative will include collaboration among these civil law enforcement agencies to protect workers on issues of unlawful retaliatory conduct, educate the public and engage with employers, business organizations, labor organizations and civil rights groups in the coming year.

The EEOC updates explain and clarify the rights of employees and job applicants who believe they suffered retaliation for protected activities under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, or other [employment discrimination laws](#). The technical assistance explains how these rights are balanced against employers' needs to enforce COVID-19 health and safety protocols.

Key updates include:

- Job applicants and current and former employees are protected from retaliation by employers for asserting their rights under any of the [EEOC-enforced anti-discrimination laws](#).
- Protected activity can take many forms, including filing a charge of discrimination; complaining to a supervisor about coworker harassment; or requesting accommodation of a disability or a religious belief, practice, or observance, regardless of whether the request is granted or denied.
- Additionally, the ADA prohibits not only retaliation for protected EEO activity, but also "interference" with an individual's exercise of ADA rights.

The EEOC has updated its technical assistance on employment and COVID-19 approximately 20 times throughout the pandemic.

For more information, contact Claiborne Guy at claiborne.guy@agc.org or 703-837-5382.