







EEOC New Retaliation Guidance

- August 29, 2016: EEOC released its Enforcement Guidance on Retaliation and Related Issues
- Shows how Commission will assess retaliation claims internally
- What activity is protected
- Discussion on “adverse” conduct takes an expansive approach
- Causation
- “Promising Practices” list
- Don’t take it personally



Time to Update Your Workplace Posters

- New workplace posters are now required as of August 1, 2016.
- Fair Labor Standards Act (FLSA) Poster
- Employee Polygraph Protection Act (EPPA) Poster
- Other Posters
- USDOL released a revised Family and Medical Leave Act (FMLA) poster in April 2016.





NLRB Reinstates Liberal Standard For Unionizing Temp Workers

- Broad new standard for determining whether two businesses are “joint employers” for purposes of collective bargaining. *Browning-Ferris Industries of California, Inc.*
- Under this new standard, joint employment now exists even where one company only has the right to exert indirect or potential control over the terms and conditions of another company’s employees.



Feds Ratchet Up Employer Penalties

- USDOL announced that the vast majority of penalties associated with wage and hour, safety, and benefits compliance matters will soon increase, as will certain penalties associated with immigration matters.
- The USDOL reminded employers that penalties exist in order to “encourage greater compliance” with federal law, but pointed out that they are less effective if they haven’t been raised for decades to keep pace with inflation.
- The new civil penalty amounts will be applicable only to penalties assessed after August 1, 2016, but will apply to violations that occurred after November 2, 2015.



Court Rules That Sexual Orientation Discrimination Not Covered Under Title VII

- A federal court of appeals announced on July 28 that it had no choice but to deny an LGBT plaintiff's request to proceed with a sexual orientation discrimination claim against her former employer because it concluded that such claims could not be brought under Title VII.
- However, the court went out of its way to note the many ways in which employers could still face cognizable claims from LGBT employees, and indicated that "perhaps the writing is on the wall" for Title VII to soon include a prohibition on sexual orientation discrimination.



EEOC Announces Religious Discrimination Initiatives

- EEOC recently announced its intention to target younger workers to see if they feel victimized by religious discrimination.
- The agency created a one-page information sheet intended to educate younger workers about their rights under federal law when it comes to religious discrimination, harassment, and accommodations.
- The law protects those who don't believe in religion. No forcing prayer meetings, employers.
- The law also protects newer and less common religions like Rastafarianism.
- Employers need to provide workplace changes (accommodations) if they would cause little to no burden on the business (such as shifting schedules, or altering dress codes).



**TIME FOR
QUESTIONS**