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U.S. Employee Rights in Plain English



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### Workplace Retaliation

State and Federal, employment and labor laws with relevant provisions prohibit employment and workplace retaliation against employees, for one or more of the following.

- Reasonably exercising employee rights under the laws
- Reporting alleged employer violations of the laws to the proper authorities, such as to the government offices that enforce the laws or through attorneys
- Participating in proceedings under the laws, as a plaintiff or witness

The types of employment and workplace retaliation protections vary. Some employment and labor laws prohibit any type of retaliation in the workplace or otherwise related to employment, while others protect only against retaliation in the form of illegal employment discharge, commonly called wrongful termination.

For example, if you reasonably expect your employer to pay you the minimum wage or overtime for which you're eligible under the Fair Labor Standards Act (FLSA), your employer cannot rightfully retaliate by discriminating against you in the workplace or by firing you.

Your employer also cannot rightfully retaliate against you for reporting the employer's alleged violation of the FLSA (or a state equivalent) to an enforcing labor department or through an attorney. Additionally, your employer cannot rightfully retaliate against you for participating in resulting proceedings, as a plaintiff or witness.

The same goes for reporting an alleged employment discrimination (such as sexual harassment) under a discrimination law.

Under what are collectively called whistleblower laws, your employee rights protect you from employer retaliation for "blowing the whistle" on your employer for violating one of the laws.

For example, if you file a qui tam lawsuit against your employer for cheating the Federal Government in violation of the False Claims Act, you are protected from employer retaliation by the Act. Better yet, you're entitled to collect a fair share of the award that you win on behalf of the government.

Laws prohibiting unfair labor practices make it illegal for an employer to retaliate against you for forming or joining a union,

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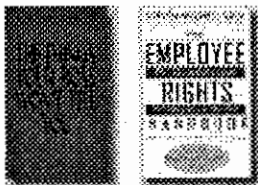
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or participating in legitimate union activities. Right to work laws and related provisions in other labor laws prohibit employer or union retaliation against you, if you choose not to join a union or decide to resign your union membership.

Employers are generally not allowed to retaliate against employees who reasonably exercise their employee rights under workers' compensation and unemployment laws, such as filing and appealing legit claims for benefits. The types of prohibited retaliations vary by state, as do the benefits and laws.

In the absence of specific retaliation provisions, your employee rights might generally protect you from employment and workplace retaliation under public policy or common law.

For example, if your employer fires you because you refused to break a state law or city ordinance that doesn't have provisions prohibiting employment or workplace retaliation, then your employer might have wrongfully terminated you in violation of local public policy.

If your employer or union retaliates against you despite that it's prohibited, your employee rights entitle you to seek relief by filing a charge with the government office that enforces the relevant law, by filing a lawsuit through an attorney, or both.

Typically, one needs only to reasonably believe that an employer illegally retaliated against him or her. It's the responsibly of the enforcing government agency or an attorney to get to the bottom of it.

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