

# ***UNDERSTANDING AND AVOIDING RETALIATION CLAIMS***

*by*

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- I. PARTICIPATION AND OPPOSITION CLAUSES OF TITLE VII
  - A. Federal Law
  - B. Opposition Clause
  - C. Participation Clause
- II. NEW RETALIATION STANDARD
- III. PLAINTIFFS MUST PROVE THE “SOLE REASON” FOR ADVERSE ACTION IN TITLE VII RETALIATION CASES
- IV. HARASSMENT BY ASSOCIATION COUNTS
- V. RETALIATION: FMLA AND FLSA
  - A. Burlington Northern's Definition Of “Materially Adverse Employment Action” Applies To FMLA Retaliation Cases
  - B. Opposition And Participation Coverage For Fair Labor Standards Act
- VI. RETALIATION AGAINST THIRD PARTIES DOES NOT COUNT
- VII. OPPOSITION CLAUSE RETALIATION: PARTICIPATING IN INVESTIGATIONS IS A PROTECTED ACTIVITY

**VIII. ON THE JOB AND OFF THE JOB RETALIATION BY COWORKERS IS ACTIONABLE**

**IX. FORMER EMPLOYEE'S ARE COVERED**

**X. EMPLOYER'S RESPONSE TO THE ILLEGAL HARASSMENT CHARGE**

**A. Employers Who Did It Right**

**XI. AVOIDING RETALIATION CLAIMS**



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**Scott Warrick** combines the areas of law and human resources to assist organizations in  
“**Solving Employee Problems BEFORE They Happen.**”

Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical, entertaining and humorous style.

### **Scott Trains Managers and Employees ON-SITE in over 50 topics**

Scott Warrick specializes in working with organizations to *prevent* employment law problems from happening while improving employee relations.

#### **Scott's academic background and awards include:**

- Capital University College of Law (Class Valedictorian (1st out of 233))
- Master of Labor & Human Resources and B.A. in Organizational Communication: The Ohio State University
- The Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of Human Resource Management and the Ohio State Human Resource Council's David Prize for Creativity in Human Resource Management

For more information on Scott, just go to [www.scottwarrick.com](http://www.scottwarrick.com)