

After employee files a complaint, follow up to check for retaliation

Employees who come to HR with discrimination complaints may already have talked to a lawyer. They may be building a case and just waiting for someone to make a mistake.

It's your job to make sure that doesn't happen. Rule No. 1: no retaliation. Remember that making a good-faith discrimination report to management is a protected activity and cannot be punished.

If there's a supervisor involved, insist that any disciplinary action, no matter how justified, be reviewed by your office *before* it's implemented. And even if your investigation shows no wrongdoing by the supervisor, check back with the employee who complained to make sure he or she doesn't suspect harassment or retaliation.

Take notes and file them, just in case the employee later quits and sues, claiming there was no choice because conditions were intolerable.

Recent case: Robert Raia complained to the HR office that another employee had been fired after "his human rights were violated." What followed, if true, is enough to make any HR professional shudder. Raia says his boss threatened to fire him, screamed at him that he should forget all about the other employee's problems if he wanted to keep his job, and then sent him out on jobs without proper safety equipment.

Raia quit and sued, alleging retaliation for standing up for the fired employee. The federal court has scheduled a trial. (*Raia v. Illinois Tool Works*, No. 04-CV-3535, ED NY, 2007)