

## RETALIATION IS A CRIME

KRS 344.990 provides in pertinent part: A person who **willfully** engages in the practices declared unlawful by KRS 344.280 is guilty of a **misdemeanor and shall be fined not more than one hundred (\$100.00), or imprisoned for not more than thirty (30) days, or both.**

## WHAT YOU MUST PROVE TO SUSTAIN A CHARGE OF RETALIATION

- **You have, in good faith, opposed a practice which you believed to be discriminatory; and**
- **An adverse action has been taken against you; and**
- **There is a connection between your opposition and the adverse employment action.**

*Examples of “opposing a discriminatory practice” may include, but not be limited to: filing a charge of discrimination, complaining to a supervisor about a practice you believe to be discriminatory, testifying at a proceeding regarding discrimination, or providing information in the course of an investigation of a discriminatory practice.*

*Examples of “an adverse action” may include, but not be limited to: being terminated, fired, demoted, harassed, being transferred, or given additional duties and responsibilities.*

## WAYS EMPLOYERS CAN DEFEND AGAINST A CHARGE OF RETALIATION

- ♦ Demonstrate that the employer exercised reasonable care to prevent and promptly correct any harassing behavior, and
- ♦ Show that the individual claiming retaliation unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer to avoid harm.

## SHOULD YOU BELIEVE YOU HAVE BEEN RETALIATED AGAINST IN VIOLATION OF THE KENTUCKY CIVIL RIGHTS ACT, CONTACT THE KENTUCKY COMMISSION ON HUMAN RIGHTS, YOUR LOCAL HUMAN RIGHTS ORGANIZATION, THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, OR A PRIVATE ATTORNEY OF YOUR CHOICE.

*Please be advised that filing a complaint with the Kentucky Commission on Human Rights may affect your right to bring your claims and causes of action in another forum. See Cabinet for Human Resources et al. v. Founder, Ky. App., 23 S.W. 3d 221 (1999) and Vaezkoroni v. Domino’s Pizza Inc., Ky., 914 S. W .2d 341 (1995). Please contact KCHR or a private attorney of your choice.*

## What is Prohibited by the KCRA:

### Employment

Discrimination in employment based on race, color, religion, national origin, sex and disability, retaliation, or age (40 and over) in hiring, discharge, conditions of work, union membership, and advertising is illegal. Discrimination by employers against smokers or non-smokers is also illegal. The law applies to employers of eight or more, employment agencies, labor organizations, licensing agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

### Public Accommodation

It is illegal for a public accommodation provider to refuse or deny the full and equal enjoyment of goods, facilities, and accommodations based on race, color, religion, national origin, sex or disability. The law covers places which supply goods or services to the general public, such as restaurants and retailers; places that solicit or accept the patronage of the public; or places which are supported directly or indirectly by government funds.

### Housing

Discrimination in the sale, rental, or financing of housing because of race, color, religion, national origin, sex, disability or familial status is illegal. The law covers financial institutions, real estate brokers, insurance agents, owners or managers of rental units, and individual owners who place their property on the real estate market by advertising or displaying a notice.

### Retaliation

It is illegal to coerce or retaliate against any individual involved in actions or proceedings before the Kentucky Commission on Human Rights.

### Financial Transactions

The denial of credit or financing by a financial institution or person offering credit, is illegal when based on race, color, religion, national origin, sex or disability.

# Retaliation

# Kentucky Commission on Human Rights

Heyburn Building, Suite 700  
332 West Broadway  
Louisville, KY 40202  
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**Fax:** (502) 595-4801

**Email:** [kchr.mail@mail.state.ky.us](mailto:kchr.mail@mail.state.ky.us)

**Website:** [www.state.ky.us/agencies2/kchr](http://www.state.ky.us/agencies2/kchr)

**Toll Free Statewide**  
**In Kentucky**  
(800) 292-5566

**TDD Lines**  
(502) 595-4084

**Kentucky Relay Service**  
(800) 648-6056 (tty/tdd)

## Field Office

Northern Kentucky Field Office  
City Building  
636 Madison, Suite 401  
Covington, KY 41011  
(859) 292-2935  
Fax: (859) 292-2938

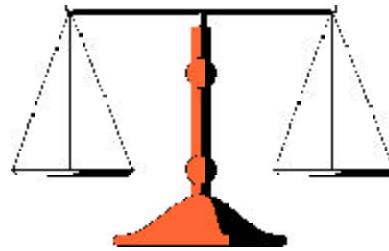


The Kentucky Commission on Human Rights affords all persons equal employment opportunity and equal access to services without regard to race, color, national origin, disability, age, sex, or religion. This publication may be available in other formats for the disabled.

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# Retaliation

Since you filed your complaint, do you feel like more work has been placed on you?



Have you testified, assisted, or participated in an investigation of discrimination and your job is making an example out of you?

**Know**

**your**

**rights!**

**Commission on Human Rights**

## WHAT IS RETALIATION

The Kentucky Civil Rights Act, KRS 344.280, makes it unlawful for a person, or for two (2) or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he/she has opposed a practice declared unlawful by this chapter, or because he/she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter; **or**

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; **or**

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued there under; **or**

(4) To resist, prevent, impede, or interfere with the commission or any of its members or representatives, in the unlawful performance of duty under this chapter; **or**

(5) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by KRS 344.360, 344.367, 344.370, 344.380, or 344.680.