



## Laws and Retaliation

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

# Table of Contents

Laws and Retaliation.....	3
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## Laws and Retaliation

**Reference Number:** MTAS-1940

### **Interaction with State Laws**

The federal law sets a minimum standard of protection that must be met. Some states may have additional laws granting them protection, and this federal law does not weaken the state laws.

### **Harassment**

The law makes it clear that a covered entity may not discriminate on the basis of genetic information regarding any aspect of employment. Additionally, the law forbids harassment based on a person's genetic information or the person's family genetic information. Similar to other types of harassment, the law does not prohibit light hearted teasing or off-hand comments, or isolated incidents that are not serious in nature. Harassment is illegal when it is so severe and pervasive that it creates a hostile or offensive work environment or when the harassment results in adverse employment decisions. A harasser may be a colleague, supervisor, client, customer, or vendor.

### **Retaliation**

Covered entities must be careful about retaliation in the workplace. GINA makes it illegal to retaliate against any applicant or employee for filing a charge of discrimination or participating in a discrimination investigation or lawsuit.

### **Labor Organizations**

A labor organization may not exclude or expel from membership, or otherwise discriminate against a person because of genetic information.

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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