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"To Whom It May Concern": New Jersey Supreme Court Clarifies The Standard For Employee Retaliation Claims Under The LAD And CEPA

By Suzanne E. Peters

Last month, the New Jersey Supreme Court issued a unanimous decision that provides clarity as to the standard an employee must meet when bringing any retaliation claim under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("LAD") or the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. ("CEPA"). In *Battaglia v. United Parcel Service, Inc.*, A-86/87-111 (July 17, 2013), the Court eased the standard for employees bringing retaliation claims under the LAD while simultaneously heightening the standard for fraud-based CEPA claims and claims for future emotional damages. Because the decision has positive and negative Consequences for employers, employers would be wise to revisit their investigation procedures regarding internal complaints to ensure they are sufficiently thorough to avoid retaliation claims.