

A man in a blue shirt is shown in profile, covering his ears with his hands, suggesting distress or frustration. He is sitting at a desk with a laptop. The background is dark and out of focus.

What to Do After a Discriminatory Incident: A Step-by-Step Guide

Discrimination in the workplace can be a distressing experience. This guide provides clear, actionable steps to take immediately following a discriminatory incident. By staying calm, documenting everything, and understanding your rights, you can navigate the situation effectively and protect yourself.

By [Swartz-Legal.com](https://www.swartz-legal.com)

Stay Calm and Assess the Situation



Remain Calm and Composed

The initial moments after a discriminatory incident are crucial. It's natural to feel a range of emotions, but try to **remain calm and composed**. Take a deep breath and center yourself - this will enable you to think clearly and respond strategically rather than react impulsively.



Prioritize Your Safety

If you feel **physically unsafe**, your priority is to remove yourself from the situation immediately. Your safety and well-being are paramount. Once you are in a safe environment, you can begin to process what happened and plan your next steps.

Document the Incident in Detail

Comprehensive documentation is vital for building a strong case. As soon as possible after the incident, record the following details:

- Date and time of the incident
- Exact location where the incident occurred
- Names and job titles of all individuals involved, including the perpetrator(s) and any witnesses
- A precise account of what was said or done, using direct quotes if possible
- How the incident impacted your work environment, job performance, or emotional well-being

If the discrimination occurred electronically (e.g., email, chat), save screenshots or copies of the messages as evidence.

Identify and Contact Potential Witnesses

Witnesses can play a crucial role in corroborating your account of the incident. Make a list of colleagues who may have witnessed the discrimination.

Approach potential witnesses **politely and discreetly**. Ask if they would be willing to provide a statement or share any relevant information they observed. Respect their decision if they are unwilling or unable to assist.



Report the Incident to HR or Management

Most companies have formal procedures for reporting discrimination. Familiarize yourself with your employer's policies and follow them carefully. Typically, this involves submitting a **written complaint** to Human Resources or your direct supervisor.

Your written report should include all the details you documented earlier, along with any supporting evidence or witness statements. Request a copy of your report for your records and track all subsequent communications with your employer regarding the complaint.

Key Insight: Employers are legally obligated to investigate complaints of workplace discrimination thoroughly and take appropriate corrective action.



Monitor the Workplace Response and Document Retaliation

Carefully monitor your employer's response to your complaint and document any actions taken. This includes any investigations, interviews, or disciplinary measures. Note whether the discriminatory behavior continues or ceases.

It is **illegal for your employer to retaliate** against you for reporting discrimination. Retaliation can take many forms, including demotion, harassment, denial of opportunities, or termination. If you experience any form of retaliation, document these events in detail, as they can strengthen your case.

Consult with an Employment Attorney

If your employer fails to take your complaint seriously, ignores it altogether, or retaliates against you, it's time to seek legal advice. An experienced employment attorney can evaluate the details of your case, advise you on your legal options, and help you file a formal complaint with the appropriate government agency if necessary.

Many attorneys offer free initial consultations, so don't hesitate to reach out and discuss your situation.

Know Your Filing Deadlines

Filing deadlines are crucial in discrimination cases. Missing these deadlines can severely limit your legal options.



New Jersey Division on Civil Rights (DCR)

File within 180 days of the incident to protect your rights at the state level.



EEOC Federal Complaint

Submit your complaint within 300 days of the incident to preserve federal protections.



Private Lawsuit (NJLAD)

You have up to 2 years to file in state court under the New Jersey Law Against Discrimination.

Don't delay—seeking legal advice promptly and adhering to these deadlines is essential to preserving your rights.

Contact Swartz Swidler

Take the first step toward protecting your workplace rights. Our experienced employment law attorneys are ready to evaluate your situation and help you understand your legal options.

We offer free, confidential consultations to discuss your potential claim. You can reach our office directly at (856) 685-7420 to speak with a member of our staff immediately.

Prefer to write? Simply [complete the form](#), and one of our employment law attorneys will carefully review your submission and contact you promptly. Rest assured that all communications are completely confidential and protected by attorney-client privilege.