

Cherokee Nation Code Annotated

Title 40: Labor and Employment

Chapter 5: Complaints and Hearings

§ 502. Filing of complaints by Indians and proceedings thereon generally—Penalties for retaliatory actions by employers against employees filing complaints

Cite as: 40 CNCA § 502

A. If any Indian believes that an employer has failed to comply with this Title or rules, regulations or orders of the TERO, or if the Indian believes he or she has been adversely discriminated against by an employer because he or she is Indian, the Indian may file a complaint with the TERO specifying the alleged violation. Upon receipt of the complaint, the TERO shall investigate and attempt to achieve an informal settlement of the matter. If an informal settlement cannot be achieved, the individual or TERO may take further action as provided for by law.

B. If any employer fires, lays off, or penalizes in any manner any Indian employee for utilizing the individual complaint procedure, or any other right provided herein, the employer shall be subject to the penalties provided in 40 CNCA § 601.

C. Nothing in this Title shall prohibit the aggrieved Indian from pursuing from the employer other remedies available by law.

Historical Data

LA 38–05, eff. November 17, 2005. Amended LA 30–12, eff. September 12, 2012; LA 01–14, eff. March 21, 2014.