

# Policies



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

**Subject** Non Retaliation  
**Section** Human Resources  
**Approved by** Marissa Madrigal, Chief Operating Officer  
**Approved on** August 21, 2020  
**Replaces** This is a new policy

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Policy Purpose: Metro is committed to promoting and maintaining a work environment that is free from retaliatory conduct. It is committed to creating and maintaining an environment in which each person can raise concerns and report complaints without fear of retribution and seeks to have an organizational culture that makes all staff feel welcomed and included.

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## Policy

1. This policy is applicable to all employees, elected officials, interns (paid and unpaid), and volunteers. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.
2. Retaliation is defined as negative conduct that would likely deter a reasonable individual from complaining or reporting a problem or raising a concern. Examples of retaliation include but are not limited to demotion, suspension, failing to treat impartially when making employment-related decisions, or assigning the individual the least desirable job duties. Retaliation may also include more subtle forms such as shunning, or silencing impacts, by co-workers.
3. Anyone who files a complaint, participates in the investigation of a complaint, or reports a concern should not be subject to adverse treatment as a result of such activity. In addition, any individual who is the subject of, or is aware of, a complaint must refrain from taking any retaliatory actions against the person who complained, or against others participating in the investigation.
4. Any form of retaliation is a violation of this policy and may result in discipline up to and including termination.
5. Anyone who believes that they have been retaliated against for filing a complaint or otherwise participating in any investigation should immediately report the circumstances to their supervisor, Human Resources (by emailing [hr.reporting@oregonmetro.gov](mailto:hr.reporting@oregonmetro.gov) or by calling 503-797-1570), or any other manager at Metro.
6. Consequences for Policy Violation - any Metro employee who retaliates against an employee who has reported a concern, or who otherwise violates this policy is subject to disciplinary action, up to and including termination of employment.

7. False and malicious complaints of retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.
8. Retaliation occurs when an adverse action is taken against an employee because they have filed a complaint or raised a workplace concern. Examples of retaliation or adverse actions can include (but are not limited to):
  - a. Demotion
  - b. Suspension
  - c. Termination
  - d. Failing to hire or consider for hire or promotion
  - e. Failing to give equal consideration in making employment decisions or to make impartial employment recommendations
  - f. Adversely impacting working conditions or otherwise denying any employment benefit to an employee
  - g. Creating a hostile or intimidating work environment
9. Reporting Retaliation
  - a. All individuals who observe or who are aware of situations involving retaliation are required to document instances of the conduct and should immediately notify their supervisor, the Human Resources Director (or their designee), or any other manager at Metro.
  - b. Any supervisor, manager, or elected official who becomes aware of an incident that may constitute retaliation is required to promptly notify the Human Resources Director (or their designee).
  - c. Any person unsure whether they are required to report is encouraged to contact Human Resources or the Office of Metro Attorney.
  - d. There is no time period within which a complaint must be brought forward; however, Metro encourages the immediate reporting of incidents in order to ensure they are appropriately addressed in a timely manner.
10. Responsibilities
  - a. Employees:
    - i. Demonstrate support of this policy by your own conduct; refrain from engaging in behaviors which constitute retaliation.
    - ii. If you are comfortable doing so, tell employees or other individuals who violate this policy to stop the behavior.
    - iii. Immediately notify your supervisor, Human Resources Director (or their designee) or any Metro manager if you observe or are aware of situations involving retaliation in the workplace.
    - iv. Document any incidences of retaliation.
  - b. Supervisors/Managers/Department Directors:
    - i. Monitor and ensure that the work environment is free from retaliation
    - ii. Be proactive in seeking help or advice from HR in situations where there are concerns related to retaliation.
    - iii. Demonstrate support and enforcement of the policy by your own conduct, refrain from engaging in behaviors which constitute retaliation, and provide leadership in carrying out this policy's intent.
    - iv. Take all complaints of retaliation seriously.

- v. Become familiar with Metro's Strategic Plan to Advance Racial Equity, Inclusion and Diversity and with efforts in the plan (goals C and D) designed to create work environments that are safe and welcoming.
  - vi. Employ trauma informed practices to support individual(s) making complaints.
  - vii. Immediately notify Human Resources if you learn of any actual or potential retaliation in the workplace.
  - viii. Take appropriate action in order to end retaliation in the workplace.
  - ix. Document any incidences of retaliation.
- c. Human Resources:
- i. Upon notification of potential retaliation in the workplace, provide a copy of this policy to the complainant and determine in consultation with OMA whether an investigation is warranted.
  - ii. Take appropriate action in order to end retaliation in the workplace.
  - iii. Document any incidences of retaliation.
  - iv. Track complaints and identify potential patterns of retaliation that need to be addressed.
  - v. Employ trauma informed practices to support individual(s) making complaints.

## **References**

Discrimination and Harassment-Free Workplace