



# 5 Things to know about retaliation

## Questions? Contact Human Resources

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**1. Retaliation is negative conduct that would likely discourage someone from raising a concern, reporting a problem or filing a complaint in the workplace.**

**2. A supervisor can still be held accountable for retaliation even if the employee's underlying complaint is found to lack merit.**

Example: Employee files a complaint that her boss engaged in sexual harassment; upon hearing of the complaint and without sufficient explanation, the boss rescinds an approved vacation request without any legitimate business reason. Meanwhile, Human Resources investigates the harassment complaint and determines there was none. The supervisor can, and should, be held accountable for the retaliation.

**3. Retaliation doesn't have to be overt in order to be illegal.**

Even giving an employee the "cold shoulder" may amount to retaliation, if that behavior starts after a complaint is filed and has a negative effect on the recipient's employment.

Generally speaking, if there's no reasonable business reason for the change in working conditions (such as a shift reassignment or relocation) and the action negatively affects an employee's daily life in a way that would dissuade them from raising a concern in the future, that action could amount to retaliation.

Example: After employee makes a complaint and without sufficient operational reasons, the supervisor

changes the employee's scheduled workdays, which creates childcare issues for the employee.

**4. Retaliation continues to be the most common complaint filed to the Equal Employment Opportunity Commission (EEOC).**

- In 2019, retaliation claims represented 54% of EEOC charges.
- Experiencing retaliation causes good employees to quit.
- Retaliation – overt or subtle – impacts workplaces. Don't be a part of it.

**5. As a supervisor, you can do your part to help stop retaliation.**

- If you see something concerning, speak out to the supervisor engaging in the behavior or report it to your director or to Human Resources staff.
- You may be able to help to prevent retaliation by simply asking a supervisor peer, "tell me more about why you are taking such and such action with respect to this employee?"
- If you are uncertain whether certain behavior constitutes retaliation, contact Human Resources staff for guidance.

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