

Recognizing Retaliation

Retaliation happens when protected activity leads to negative treatment.

To Prove Retaliation...

- Protected activity takes place
- Management knew about it
- Management took action against the steward for their protected activity
- Retaliatory intent

For Example:

*A steward reports a safety violation (**protected activity**). Management is notified (**management knowledge**). Two days later, the steward is reassigned to the heaviest and least-desirable tasks (**adverse action**). The supervisor states, “Maybe next time you’ll think twice before complaining,” showing the action was taken **because of** the report (**retaliatory intent**).*

Examples of Retaliatory Actions...

- Perform more difficult or unpleasant work
- Undeserved unfavorable performance evaluation
- Undeserved warning for failing to meet productivity standards
- Denial of pay, overtime, or promotional opportunity

But for THIS... THAT would not have happened...

“Retaliation requires ‘but for’ causation — meaning that the adverse action would not have happened if the protected activity had not occurred.”

Example:

“But for the steward filing a grievance, management would not have reassigned them to more difficult work.”

