

**OAR 839-005-0033**

**Discrimination in Retaliation for Opposing Unlawful Practices**

**(1) This rule interprets ORS 659A.030(1)(f).**

**(2) An employer will be found to have unlawfully retaliated against an employee if:**

**(a) The employee has engaged in protected activity by:**

**(A) Explicitly or implicitly opposing an unlawful practice or what the employee reasonably believed to be an unlawful practice, or**

**(B) Filing a charge, testifying, or assisting in an investigation, proceeding, or lawsuit under ORS 659A, or attempting to do so;**

**(b) The employer has subjected the employee to any adverse treatment, in or out of the workplace, that is reasonably likely to deter protected activity, regardless of whether it materially affects the terms, conditions, or privileges of employment; and**

**(c) There is a causal connection between the protected activity and the adverse treatment.**

**Stat. Auth.: ORS 659A.805**

**Stats. Implemented: ORS 659A.030(1)(f)**