



# Understanding Retaliation

Retaliation for reporting misconduct or participating in investigations is prohibited and taken seriously by BART OIG.



## What is Retaliation?

Retaliation is any negative employment action taken against someone because they engaged in a legally protected activity. It includes adverse actions taken to impair job performance or prospects for advancement that discourage reporting concerns, participating in investigations, or exercising their rights under laws, regulations, or organizational policies.

## What is NOT Retaliation?

Normal performance reviews or assignments based on your work performance are not considered retaliation. Retaliation specifically involves actions taken in response to engaging in a legally protected activity.



## Examples of Retaliation

**Adverse Employment Action**  
(Demotion or denial of promotion after engaging in a protected activity)

**Changes in Work Conditions**  
(Shift changes, reduced hours, or exclusion after speaking up)

**Hostile Treatment**  
(Increased scrutiny or unfair workload following protected activity)

**Adverse Disciplinary Action**  
(Warnings or poor performance reviews linked to protected activity)

**Termination**  
(Loss of employment after engaging in a protected activity)

## What to Do if You Experience Retaliation



### Document Everything

Keep a detailed record of retaliatory events or actions



### Report the Issue

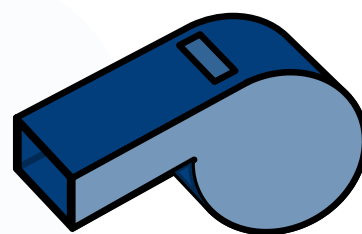
Report retaliation to the office that handled the original complaint or to the Office of Civil Rights (OCR).



### Seek Support

Reach out to available resources for assistance and to protect your rights

## Additional Resources

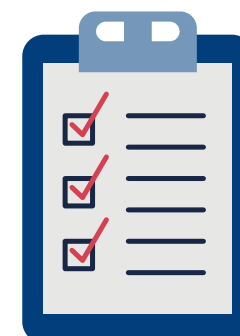


[BART's Whistleblower & Antiretaliation Policy](#)

[CA Labor Code Section 1102.5](#)

[U.S. Department of Labor](#)

[CA Department of Industrial Relations](#)



If you believe you're facing retaliation, consider consulting an employment law attorney or contacting the Office of Civil Rights (OCR) to understand your rights.