

ARTICLE XX. NON-RETALIATION
HAW-UAW Counter Proposal August 05, 2026

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NON-RETALIATION

Section A. The ~~Corporation~~University shall not discriminate, ~~or~~ retaliate ~~or subject an employee to adverse action~~ in the workplace against any Employee because of the lawful exercise of their rights under the National Labor Relations Act nor shall ~~the Corporation-it~~ restrain or coerce any Employee in the lawful exercise of their rights under Section 7 of the National Labor Relations Act. These rights shall include but are not limited to filing or otherwise pursuing a grievance or complaint or exercising a right under this Agreement. ~~or being perceived to report or raise concerns about actual or possible violations of the terms of this Agreement, including but not limited to: reporting harassment, discrimination, intellectual property rights violations, or other prohibited conduct; participating in investigations of prohibited conduct; or otherwise seeking enforcement of any provisions of this Agreement.~~

~~**Section B.** Retaliation also includes but is not limited to professional retaliation, such as changing the quality or nature of recommendation letters or grant applications, publication authorship credit, or the denial of some professional opportunity. This includes acts of professional retaliation against bargaining unit members for considering or seeking employment elsewhere (whether in a different role within the University or with a new employer) or leaving their positions, such as withholding or targeting recommendation letters.~~

Section B CB. Employees who allege experiencing retaliation for union-related activity are able to pursue grievance procedures outlined in Article XX (Grievance and Arbitration) claiming a violation of this Article. In interpreting Employee rights under this Article, arbitrators shall be guided by the case law developed by the National Labor Relations Board.