

875—36.3(91A) Unprotected activities distinguished.

36.3(1) Wage discrimination occurs when an employer engages in adverse action because the employee engaged in a protected activity. An employee's engagement in activities protected by the Act does not automatically render the employee immune from adverse action dictated by nonprohibited considerations.

36.3(2) A violation exists if the protected activity was a substantial reason for the action, or if the discharge or other adverse action would not have taken place "but for" engagement in the protected activity.

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