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EMPLOYMENT LAW ALERT

SUPREME COURT EXPANDS WORKPLACE RETALIATION

On January 24, 2011 the U.S. Supreme Court ruled that a company can be sued for retaliating against an employee by firing his fiancé. In *Thompson v. North American Stainless, LP*, Eric Thompson was hired as an engineer by North American. In 2000, the company hired Miriam Regalado. The two began dating and then became engaged to marry in 2002. In September, 2002, Regalado filed an EEOC Charge of Discrimination for gender discrimination against the company. Three weeks after the company was notified of the EEOC filing, it fired Thompson. Thompson then filed his own lawsuit against the company, alleging that he was terminated in retaliation for his fiancé's lawsuit.

The U.S. District Court for the Eastern District of Kentucky and the U.S. Court of Appeals for the Sixth Circuit found that Thompson had no standing to sue for retaliation. The Supreme Court of the United States reversed and found that Thompson's relationship with Regalado made him eligible for protection under the anti-retaliation provisions of the anti-discrimination laws. Those provisions bar employers from striking back against workers who file charges over alleged workplace violations: "Accepting the facts as alleged, Thompson is not an accidental victim of the retaliation. Hurting him was the unlawful act by which NAS punished Regalado."

The Court did, however, set limits on what kinds of relationships entitled an employee's associates to file suit. "We expect that firing a close family member will almost always meet the test," the Court said, but "inflicting a milder reprisal on a mere acquaintance will almost never do so." Beyond that, the legality of any employer's act of retaliation "will often depend on the circumstances."

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