

# Law of the Workplace

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## CLIENT ALERT

### Terminated Employee Within Fiancée's Title VII "Zone of Interest"

On Monday January 24, the U.S. Supreme Court ruled that an employee who was fired after his fiancée filed a sex discrimination claim against their mutual employer may sue for illegal retaliation.

In *Thompson v. North American Stainless*, Eric Thompson was fired weeks after his fiancée, Miriam Regalado, filed a sex discrimination case against their mutual employer, North American Stainless. Although a federal appeals court had ruled that Thompson did not have the right to sue—reasoning that only the person making the original discrimination claim can sue for retaliation—a unanimous Supreme Court disagreed. As Justice Scalia wrote, “Injuring [Thompson] was the employer’s intended means of harming Regalado. Hurting him was the unlawful act by which the employer punished her. In these circumstances...Thompson [is] well within the zone of interests sought to be protected by Title VII.”

However, Scalia went on to note that this case does not create a clear new standard for anti-retaliation law: “We expect that firing a close family member will almost always meet the...standard, and inflicting a milder reprisal on a mere acquaintance will almost never do so, but beyond that we are reluctant to generalize.”

Retaliation claims already top the types of claims filed with the EEOC. For employers, Monday’s decision will have at least one immediate impact: an increased number of third-party retaliation claims. And the lack of a clear standard from the Court means that employers should expect increased legal uncertainty as courts and regulatory bodies digest yesterday’s ruling.

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*This material is intended to provide you with information regarding a noteworthy legal development. It should not be regarded as a substitute for legal advice concerning specific situations in your operation. If you have any questions or would like additional information on this topic, please contact our Firm at (860) 727-8900 or [www.siegelconnor.com](http://www.siegelconnor.com).*



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