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Supreme Court Holds That Employees' Close Family Members are Protected From Retaliation Under Title VII

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On January 24, 2011, in *Thompson v. North American Stainless, L.P.*, ___ U.S. __ (2011), the United States Supreme Court held that the anti-retaliation provisions of Title VII of the Civil Rights Act (“Title VII”) prohibit retaliation against third-parties, such as close family members of employees who engage in protected activities under Title VII.

In *Thompson*, Eric Thompson (“Thompson”) filed suit against North American Stainless, L.P. (“NAS”), claiming that he was subject to an unlawful termination because his fiancée, who was also a NAS employee, had filed a charge of discrimination against NAS with the Equal Employment Opportunity Commission (“EEOC”). The district court dismissed the case on summary judgment finding that Title VII does not permit third-party retaliation claims. The United States Court of Appeals for the Sixth Circuit affirmed the dismissal, reasoning that because Thompson himself did not engage in a protected activity under Title VII (his fiancée did), he could not maintain a claim against NAS. The Supreme Court reversed.

The Supreme Court held that Title VII’s anti-retaliation provisions protect against third-party reprisals. The Court noted that Title VII’s anti-retaliation provisions are worded broadly and are designed to prohibit employers from taking actions that “might have dissuaded a reasonable worker from making or supporting a charge of discrimination.” *Burlington N.&S.F.R. Co.*

v. White, 548 U.S. 53, 68 (2006). In this instance, the Supreme Court found that a reasonable worker might be dissuaded from engaging in a protected activity if her fiancé was going to be fired as a result. While the Court declined to identify a fixed class of relationships that are protected from third-party reprisals, the Court did note that “firing a close family member will almost always meet the ... standard, and inflicting a milder reprisal upon a mere acquaintance will almost never do so” *Thompson* (slip opinion p. 4.)

The Court next considered the issue of whether Thompson who, unlike his fiancée, had not engaged in a protected activity could sue NAS under Title VII and concluded that he could. Specifically, the Court found that Thompson was within the “zone of interests protected by Title VII” because he was an employee of NAS. The Court further reasoned that harming Thompson was an unlawful act by which NAS punished his fiancée for filing a charge of discrimination.

Cole, Schotz, Meisel, Forman & Leonard, P.A.

Court Plaza North
25 Main Street
Hackensack, NJ 07601
Phone: (201) 489-3000

900 Third Avenue
16th Floor
New York, NY 10022
Phone: (212) 752-8000

500 Delaware Avenue
Suite 1410
Wilmington, DE 19801
Phone: (302) 652-3131

300 East Lombard Street Suite 2000
Baltimore, MD 21202
Phone: (410) 230-0660

301 Commerce Street
Suite 1700
Fort Worth, TX 76102
Phone: (817) 810-5250