



Retaliation Based on "Relation" to Protected Employee

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The Sixth Circuit recently decided that Title VII prohibits employers from taking retaliatory action against employees not directly involved in protected activity, but who are so closely related to those who are directly involved that it is clear that the protected activity motivated the employer's action. The case involved a male employee who alleged he was terminated because his co-employee fiancée (now wife) filed a sex discrimination claim. The male employee was fired three weeks after the employer found out about his fiancé's claim.

The court's key concern in issuing this ruling was that individuals might be deterred from making a formal discrimination claim for fear that an employer might retaliate against their family members and friends. The court stated that a literal reading of the statute limiting illegal discrimination to the individual who engaged in the protected activity "defeats the plain purpose" of Title VII. The court also relied on language in the EEOC Compliance Manual extending protection to those "so closely related to or associated with a person exercising his statutory rights" to support its decision allowing the retaliation claim to proceed.

The Sixth Circuit stated further that just because a plaintiff is allowed to "state such a claim" does not establish that the plaintiff can prove the elements of the alleged Title VII cause of action. The court stated that "... all such claimants must demonstrate, inter alia, that there was a causal connection between the protected activity and adverse employment action."