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HINE**

January 26, 2011

Supreme Court Expands Scope of Retaliation Protection Under Title VII

The U.S. Supreme Court this week issued a ruling that expands the scope of the anti-retaliation provisions found in the federal employment discrimination statute, Title VII.

In *Thompson v. North American Stainless*, the Court held 8-0 that the employer's decision to terminate Eric Thompson's employment after his fiancée, also an employee of the company, filed a charge with the EEOC, was unlawful retaliation under Title VII. The Court explained that Title VII's anti-retaliation provision was designed to protect workers even if they themselves were not the original target of alleged discrimination. The Court noted that retaliating against Thompson was the unlawful act by which the employer punished the fiancée for filing her original charge of discrimination, and that a "reasonable worker might be dissuaded from engaging in protected activity if she knew that her fiancé would be fired."

While the Court acknowledged its expansive reading of Title VII "could place the employer at risk any time it fires any employee who happens to have a connection to a different employee who filed a charge with the EEOC," it nonetheless held that the broad language of the Title VII anti-retaliation provision potentially covered third parties with a relationship to an aggrieved employee. The Court did refuse to identify a "fixed class of relationships for which third-party reprisals are unlawful," holding that the "significance of any act of retaliation will often depend upon particular circumstances."

Employers should be aware that this case now expands retaliation protection to any employee who can articulate a connection of any kind (e.g., girlfriend, confidant, trusted coworker, friend) to a person who engaged in protected activity.

FOR MORE INFORMATION

For more information, contact **Eric Clark** or any other member of our **Labor & Employment** practice group.

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