

Labor and Employment E-news

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The Sixth Circuit Makes Title VII a "Family Matter"

On March 31, 2008, the Sixth Circuit Court of Appeals expanded the reach of Title VII in Thompson v. North American Stainless, LP. Specifically, in Thompson the Sixth Circuit held that Title VII protects not only those who engage in protected activity but also their family members if both parties work for the same employer.

The Case

The facts in Thompson were simple. Defendant owned and operated a stainless steel manufacturing plant and employed Plaintiff – Thompson – and his then fiancée – Regalado. In September of 2002, Regalado filed a complaint with the EEOC alleging that her supervisors discriminated against her because of her gender. On February 13, 2003 the EEOC notified the employer of Regalado's charge. Just over three weeks later the employer terminated Thompson, the fiancé of the woman who filed the EEOC charge. Subsequently, Thompson filed a Title VII claim alleging retaliation. The District Court dismissed Thompson's claim on the ground that Title VII only protects those who *engage* in protected activity, not their relatives. Thompson appealed.

The Sixth Circuit reversed, holding that Title VII also protects the family members of those who engage in protected activity. In reversing, the Sixth Circuit stressed that the purpose behind Title VII is to secure a non-discriminatory workplace, a purpose that is furthered by protecting the family member employees in these circumstances. The Sixth Circuit stressed that Title VII has previously been extended to protect *former* employees and to prohibit *indirect* discrimination because those extensions furthered the statute's purpose. The Sixth Circuit concluded that Thompson was no different.

Why it Matters

Employers should pay close attention to the teachings of this case because they expand Title VII's coverage. Before this case it was well understood that an employer could not retaliate against an employee who filed an EEOC charge (or engaged in other types of protected activity). Now employers cannot retaliate against those employees' family members, assuming that the employee and the family member work for the same employer.

If you have any questions regarding this E-News Bulletin, please contact the author as indicated below or your Butzel Long attorney.

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