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# Supreme Court Decision Extends Anti-Retaliation Protections to Fiances

Written by [Jesse Lad](#)

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In *Thompson v. North American Stainless LP*, the United States Supreme Court unanimously held that the anti-retaliation provisions in Title VII of the Civil Rights Act of 1964 ("Title VII") protected an individual from being terminated in retaliation for his fiancée's prior complaint of discrimination to the Equal Employment Opportunity Commission ("EEOC").

The Supreme Court's decision overturned a Sixth Circuit Court of Appeals' ruling that a retaliation claim could not be brought by an individual who did not engage in the underlying protected activity.

While this decision opens the door to third-party retaliation claims under Title VII, the Supreme Court was reluctant to provide a bright-line rule regarding the kinds of relationships and circumstances that support third-party retaliation claims under Title VII.

Eric Thompson and his fiancée, Miriam Regaldo, were both employees of North American Stainless ("NAS") in 2003. Thompson met Regaldo when she was hired by NAS in 2000, and the couple began dating shortly thereafter. In February 2003, the EEOC notified NAS that Regaldo had filed a charge alleging sex discrimination. NAS terminated Thompson approximately three weeks after NAS learned about Regaldo's sex discrimination complaint.

At the time of Thompson's termination, he and Regaldo were engaged to be married, and their relationship was common knowledge at NAS. Thompson believed that NAS terminated him in order to retaliate against Regaldo for filing her complaint with the EEOC. Accordingly, Thompson filed a lawsuit against NAS alleging that NAS violated Title VII's anti-retaliation provisions.

The District Court granted summary judgment to NAS, concluding that Title VII "does not permit third party retaliation claims." After a panel of the Sixth Circuit reversed the District Court's decision, the Sixth Circuit granted rehearing en banc and affirmed the District Court's earlier decision granting summary judgment. Notably, the Court reasoned that because Thompson did not engage in any statutorily protected activity, Thompson was not in the class of persons entitled to bring a retaliation claim under Title VII.

The Supreme Court disagreed, and unanimously held that Thompson fit within the class of persons entitled to bring a retaliation claim based on the protected activity of Regaldo. The Court reasoned that if Thompson was terminated based on the protected activity of his fiancée, that injuring Thompson was the employer's intended means of harming his fiancée. Under those circumstances, the Court held that Thompson's claim was well within the zone of interests protected by Title VII, and determined that Thompson had standing to bring a retaliation claim against NAS.

While the Supreme Court's decision in *Thompson* opened the door to third-party retaliation claims, it declined to provide a bright-line rule regarding the circumstances that support third-

party retaliation claims under Title VII: "We must also decline to identify a fixed class of relationships for which third-party reprisals are unlawful. 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." The Court also emphasized its belief that "the significance of any act of retaliation will often depend upon the particular circumstances."

The Supreme Court's decision in *Thompson v. North American Stainless LP* clearly expands the class of individuals that can bring viable retaliation claims against their employers. Prior to this decision, retaliation claims could generally only be brought by individuals who themselves (1) opposed unlawful practices under Title VII; or (2) participated in employment discrimination proceedings. In light of the Supreme Court's ruling, employers should take note that individuals who have an association or relationship with someone who has engaged in protective activity now may be able to bring a retaliation claim under Title VII. The particular circumstances of the alleged retaliation as well as the nature of the relationship will provide the basis for determining whether a specific third-party will be able to bring such a claim against a particular employer.

Jesse Lad, an Oakland, Calif.-based attorney at Meyers Nave, has extensive experience working on the defense of cases involving labor and employment issues, including claims of harassment, discrimination, retaliation, wage and hour matters, and wrongful discharge. In addition, he advises public sector clients regarding a wide variety of labor and employment matters arising under federal and state law, including sexual harassment, discrimination, medical leave rights, labor relations, collective bargaining, discipline and employee privacy issues. Mr. Lad serves as lead employment law advice counsel for a number of cities and special districts in Northern California and regularly conducts arbitrations and administrative hearings on behalf of public agency employers. He can be reached at [jlad@meyersnave.com](mailto:jlad@meyersnave.com).