



Court Defines “Supervisor”

The U.S. Supreme Court recently handed out a long-awaited ruling that should serve as good news for employers. The high court ruled that only someone with the power to take “tangible employment action” against a subordinate can be considered a “supervisor” in Title VII discrimination cases (race, sex, age, religion, disability, etc.), making it more difficult for employees to prevail in job discrimination lawsuits against your organization.

By law, employers are typically presumed liable for discrimination caused by a supervisor. When discrimination involves two co-workers who have little power over each other, employers are only liable if management does nothing in response to the bias complaints.

This ruling clarifies exactly who is a “supervisor” – an employee with the power to take a “tangible employment action,” such as “to hire, fire, demote, promote, transfer, or discipline.”

Previously, most courts (and the EEOC) took the position that a supervisor was someone who was simply in a position to direct an employee’s work. The court’s latest formula provides employers with a higher standard that must be proved against them to be held liable for failing to comply under Title VII.

On the same day, the court defined this standard of proof required in retaliation cases – another plus for employers.

For more details on this article, please do not hesitate to call PMP.



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