

# Supreme Court Decision Will Help Employers Defend Title VII Retaliation Claims

by Christine M. Vanek on July 30, 2013

At the end of its term, the U.S. Supreme Court issued a highly anticipated employment law decision regarding retaliation claims under Title VII of the Civil Rights Act of 1964. The ruling is good news for employees, particularly given the recent spike in these types of claims.

In *University of Texas Southwestern Medical Center v. Nassar*, the Court was asked to define the proper standard of causation for Title VII retaliation claims. As the Court highlighted, Title VII provides for two types of employment claims. The first is what the Court terms “status-based discrimination,” which includes prohibitions against employer discrimination on the basis of race, color, religion, sex, or national origin in the workplace. The second is employer retaliation on account of an employee's having opposed, complained of, or sought remedies for, unlawful workplace discrimination.

In 1991, Congress amended Title VII to lower the standard of proof for employees pursuing discrimination claims. Under the new standard, claimants only needed to show that the motive to discriminate was one of the employer's motives, even if the employer also had other, lawful motives that were causative in the employer's decision. Because Title VII's anti-retaliation provision appears in a different section of the statute, questions arose regarding whether the new, less burdensome legal standard applied.

In resolving this question, the majority of the Supreme Court held that Title VII retaliation claims must be proved according to traditional principles of but-for causation (i.e., that an employer would not have taken an adverse employment action but for an improper motive). The Court rejected the lower standard of proof favored by employees and adopted by some federal courts. It would have required employees only to prove that the employer had a mixed motive (i.e., that an improper motive was one of multiple reasons for the employment action).

The decision will make it more difficult to prove retaliation claims.

If you have any questions about this case or would like to discuss the legal issues involved, please contact me, Christine Vanek, or the Scarinci Hollenbeck attorney with whom you work.