One Strike And You're Out: Even An Isolated Incident Can Put Employers On The Hook For Hostile Work Environment Claims

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Employers take note: Following a recent decision in the U.S. Court of Appeals for the Third Circuit, it has now been established that a single racial slur can be sufficient to support a lawsuit for harassment.

In Castleberry v. STI Group, the Third Circuit, which maintains jurisdiction over the District of New Jersey, clarified ambiguous legal precedent as to whether plaintiffs are required to show that harassment is "severe or pervasive" in order to bring a lawsuit.

In Castleberry, two African-American plaintiffs brought harassment, discrimination, and retaliation claims after they were terminated for reporting to supervisors that they were told they would be fired if they "nigger-rigged" a fence that they had been instructed to move. In finding that one racial slur could be enough to establish a case for alleging a hostile work environment, the appeals court overturned a prior district court decision to dismiss their case, which had found that a single isolated incident could not constitute a hostile work environment.

Under previous precedent, it was left unclear as to whether courts could allow single serious incidents to support a harassment lawsuit, even if they could not show a pattern or repeated practice of such unlawful conduct. In explaining that the "severe or pervasive" standard was indeed correct, the Court of Appeals has cleared the way for plaintiffs to more easily bring lawsuits based on hostile work environment claims.

This case highlights the fact that employers must be vigilant in maintaining work environments free of discrimination, where even isolated incidents or remarks by employees can be the source of legal liability.