

PUBLICATION

Casual Comments to Human Resources May Support Retaliation Claim

Authors: Megan M. Sutton

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In the case of *Scott Trujillo v. Henniges Automotive Sealing Systems North America Inc.*, the U.S. Court of Appeals for the Sixth Circuit held that casual remarks to Human Resources are protected activity if the comments "can be construed as a complaint about a hostile work environment caused by racial and national origin discrimination."

Trujillo worked as the director of global finance for Henniges, an auto parts company with manufacturing plants in Mexico and other international locations. During dinner with other Henniges executives on a European trip, Trujillo suggested to his colleague, Larry Rollins, that another employee should soften his style when dealing with Latin American employees. Rollins in turn made racially derogatory comments about the Latin American employees, stating "F--- that cultural bulls---!". Rollins also made a racially insensitive reference to African Americans. Trujillo mentioned Rollins' comments to the Vice President of Human Resources, who was also on the trip, during a casual conversation. A week later, Trujillo was terminated because he was not a "good fit."

Trujillo sued for discrimination and retaliation. The District Court held that Trujillo had not engaged in any "protected activity" to support a retaliation claim. The Sixth Circuit disagreed with respect to Trujillo's complaint to Human Resources and ordered a trial. Specifically, the Court held that Trujillo's conversation with Human Resources could be construed as a complaint to Human Resources personnel regarding potential violations of Title VII which would constitute protected activity. The "fact that the conversation was 'informal,'" according to the Court, "does not change the nature and purpose of the conversation, which was a 'discrete, identifiable, and purposive' opposition to racially-oriented language." (citations omitted).

The holding in *Scott Trujillo v. Henniges Automotive Sealing Systems North America, Inc.* serves as a reminder that there is no such thing as a "casual conversation" if you work in Human Resources.