



BERTELSON LAW OFFICE, P.A.

Employment Law • Minneapolis, MN

Workplace News

Employment Law Litigation and Proactive Conflict Resolution Services for the Workplace

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My Boss Is Horrible. Do I Have A Legal Claim?

Movies, such as Horrible Bosses, The Devil Wears Prada, and Office Space, depict despicable bosses. Maybe you feel your boss is just as bad and you have wondered, is this treatment illegal?

Your boss' awful treatment may or may not be illegal. An employment lawyer can help decipher what treatment may violate the law. While the law does not require your boss to be nice, the law does require employers to keep the workplace safe and free from discrimination, harassment, and retaliation.

When reviewing your situation we will consider such factors as:

- How does your boss treat you as compared to your coworkers?
- Does it appear that your boss is treating you differently than others based on your gender, race, religion, disability, national origin, sexual identity, and other protected characteristics?
- Have you taken a medical leave?
- Have you asked for an accommodation?
- Have you reported discrimination, harassment, retaliation, or some other illegal activity?
- Have you filed a worker's compensation claim?

This list is not exhaustive.

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Courts want employers to take care of workplace issues internally. Courts generally frown on reported behavior that is not remedied. In *Bennett v. Riceland Foods, Inc.*, 721 F.3d 546 (8th Cir. 2013), the Court upheld the jury's finding that the employer retaliated against two employees when they terminated

them after they complained that their supervisor used racially discriminatory language and created a hostile work environment. Two white employees reported that their supervisor made race based offensive comments to a black employee. While the employer investigated, it found the report did not have merit. The employees later filed another report when the supervisor again used racially derogatory language. About two months later, the company informed the two employees who had made the reports that their

positions would be eliminated and they were being terminated. The employees alleged their terminations were in retaliation for their reports. The court allowed their retaliation claim to go to a jury who found in their favor. The jury awarded each employee lost wages and benefits, plus \$300,000 for emotional distress.

Feel free to contact us if you are concerned about illegal treatment in your workplace. ■

Workplace News is only a general summary of the topics discussed here and is not a substitute for legal advice.

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