

Textbook No-No: Andrew Gordon Discusses Workplace Birthday Celebration That Triggered an ADA Lawsuit

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In a recent article published by *The Society for Human Resource Management*, Hinshaw partner Andrew Gordon discussed the significance of a jury damages verdict involving disability discrimination and retaliation claims that a workplace birthday party triggered. In the case, a worker was awarded \$450,000 in damages for being fired following his panic attack in reaction to a surprise workplace birthday party his employer held for him. The worker suffered from an anxiety disorder and had requested his manager not to celebrate his birthday at work.

Gordon said the case was a “textbook what-not-to-do scenario” regarding how to handle an employee who asks to be left out of certain nonperformance-related social functions at work for legitimate and potentially legally protected reasons.

“If this [event] was something different, like an important team meeting that happened every week and during which important work-related information was discussed, we would possibly be having a different conversation,” Gordon added. “But not over a two-minute birthday celebration.”

“Employee Awarded \$450,000 After Party Triggers Panic Attack” was published by *The Society for Human Resource Management* on April 28, 2022.

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