

Employers Should be Aware of State Laws Prohibiting Marital Status Discrimination

1 min read

May 18, 2011

Although no federal law prohibits discrimination by private employers based on marital status, a number of state laws include such status as a protected class. The Minnesota Supreme Court recently considered a case where a husband and wife worked for the same employer. The husband, employed as the company's president, offered to resign his employment. The wife, employed as a sales and marketing coordinator, was terminated shortly thereafter. The company's CEO told the wife that he would like to terminate her because "she would be uncomfortable or awkward remaining employed" after her husband left the company. The CEO also told her that her position was going to be eliminated because she would likely relocate with her husband. The wife then sued the employer, alleging marital status discrimination in violation of Minnesota law. The employer argued that a claim for marital discrimination must be supported by a finding that the termination was an act "directed at the institution of marriage" and claimed that the employee had been fired for legitimate business-related reasons. The Minnesota Supreme Court held that a claim for marital discrimination does not require that an employee prove a direct attack on the institution of marriage. The Court instead determined that "marital status" includes "protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse." Importantly, this means that an anti-nepotism policy prohibiting employment of married couples by a company is illegal in Minnesota. Many other states, including California, Florida, Illinois and Wisconsin, also prohibit marital status discrimination. This decision is a reminder that all employers, and especially national employers, should review and update their anti-nepotism and anti-discrimination policies to ensure compliance with state laws.

Taylor v. LSI Corporation of America, Case No. A09-1410 (Minn. Apr. 13, 2011)

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