

# 'Aiding and abetting' discrimination can include giving false reasons for discharge

New York state law provides personal liability for workplace discrimination. Employees who aid and abet their employers in discriminatory acts may be sued personally and can lose their assets.

But exactly what acts constitute “aiding and abetting”? Surprisingly, it doesn’t take much. In fact, coming up with excuses to fire an employee who makes discrimination claims can be enough if it turns out those excuses aren’t true.

**Recent case:** Anucha Sanders worked for Madison Square Garden as vice president of marketing. She claimed that the executive in charge of basketball operations, Isiah Thomas, sexually harassed her.

The employer started an investigation, and Thomas suggested Sanders should be fired for poor performance. She was fired and filed an EEOC complaint. The Garden told EEOC investigators it terminated Sanders for poor performance. Later, when the case went to federal court, the employer backed away from that claim and said instead that Sanders had been fired for interfering with the internal investigation of her complaint by hounding other employees to support her case.

Sanders also sued Thomas for aiding and abetting Madison Square Garden when firing her in retaliation. She cited his suggestion that she be fired for poor performance. The court ordered a trial, after pointing out that the employer’s EEOC representations seemed to reflect Thomas’ suggestion. (*Sanders v. Madison Square Garden, et al.*, No. 06-Civ-589, SD NY, 2007)