

# Rules entrapment can be considered retaliation

If a worker files a harassment complaint and a supervisor decides to punish him by setting him up to violate a company rule, that can be retaliation. It doesn't matter if the worker in question actually broke the rule.

**Recent case:** William, who is black, complained to HR that his white supervisor had called him "boy" during an argument over the timing of William's break. HR concluded that in this context, "boy" wasn't a slur.

Then other workers told the supervisor William was selling DVDs at work. The supervisor conspired with co-workers to trap William into selling one. When he did, he was fired.

William sued, alleging retaliation. The court agreed he had a case based on the supervisor's intent to trick him into breaking a rule that would get him fired. (*Fisher v. Lufkin Industries*, No. 15-40428, 5th Cir., 2017)