

# Impartiality required when firing bias complainant

Trying to fire a worker who has made discrimination claims against her supervisors? Think about assigning an impartial fact-finding decision-maker before you discharge.

**Recent case:** Martine, who is of Haitian descent, worked at a health care facility. She complained that her boss made rude comments about her accent and suggested she go back to Haiti. He denied it ever happened.

Then Martine was disciplined for a series of mistakes. A neutral arbitrator handled discipline and gave her one last chance. When she made another mistake, she was fired.

Martine sued, alleging race and national origin discrimination and retaliation for her earlier complaint against her supervisor.

The court tossed out her case. Since an independent decision-maker served as a fact finder and made the final decision, Martine could not show retaliation. (*Lowe v. Mount Sinai, et al.*, SD NY, 2018)