One and Done? Third Circuit Clarifies That Employees Can Prove A Hostile Work Environment When Subjected To A Single Workplace Slur

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By: Richard Bauch

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Few issues perplex employers more than discovering that a supervisor made an insensitive and possibly offensive remark to one or more employees, particularly to an employee whose performance previously has been noted as subpar. To this mix, add a not unusual delay in bringing that subpar performance to the employee's attention. Has the isolated remark "poisoned the well" hindering the employer from taking adverse action against the employee? Will that single verbal misstep result in an expensive and time-consuming lawsuit if the employer does discipline the employee or takes other adverse action? The standard to analyze these questions recently was clarified by the United States Court of Appeals for the Third Circuit in *Castleberry, et al. v. STI Group, et al., 863 F.3d 259 (3d Cir. 2017)*, a decision the court classified under its rules as "Precedential."

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