

## Supervisors Can Have Personal Liability for Employment Discrimination

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### Working Together

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Supervisors in Connecticut can be held to have personal liability under some statutes prohibiting discrimination in employment, but not others. In a 2002 decision in the case of Perodeau v. City of Hartford, 259 Conn. 729, the Connecticut Supreme Court ruled that the state Fair Employment Practices Act does not impose liability on individual employees. Thus supervisors cannot be held personally liable for discrimination on the basis of race, color, religious creed, sex, or any of the other categories protected by the Fair Employment Practices Act. Similarly, federal courts have ruled out personal liability for discrimination in violation of Title VII of the Civil Rights Act of 1964. (See my prior blog on this topic.)

However, a different Connecticut statute, Conn. Gen. Stat. 31-290a, protects employees from discrimination because they have filed a claim for workers' compensation benefits or otherwise exercised their rights afforded by the Workers' Compensation Act. In the recent decision of Christiano v. Connecticut Light & Power Company, the Connecticut Superior Court in Waterbury ruled that the term "employer" as used in Section 31-290a was intended to include those employees who were authorized to act for the corporate employer. Therefore, an individual supervisor who had the authority to make a decision regarding the employment status of an employee who had made a workers' compensation claim – in short, who had authority to fire – could be named as an individual defendant in a lawsuit claiming a violation of Section 31-290a.

A supervisor who finds himself personally sued is not necessarily on his own. Assuming he was acting in good faith in making a termination decision and not exercising a private vendetta against the workers' compensation claimant, the corporate employer may be obligated to indemnify the supervisor, and the supervisor may be an insured individual under an applicable liability insurance policy. Obviously, the first step for a supervisor who is served with a lawsuit summons is to obtain legal advice.

**Posted in** CT Supreme Court, Discrimination

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