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AMICUS BRIEF ASKS APPELLATE COURT TO ADOPT FEDERAL STANDARD ON RETALIATION AGAINST WORKERS

Advocates Say Lower Court Erred in Trivializing Illegal Retaliation against Lesbian

MARCH 22, 2016, NEW YORK, NY--MFY Legal Services (MFY), with the National Employment Lawyers Association/New York, New York City Public Advocate Letitia James, and other advocates for low-wage workers, filed an amicus curiae (friend of the court) brief in the Appellate Division of New York State Supreme Court, in a case brought by Suzanne Elizabeth Keceli, a security guard who says she was discriminated against because she is a lesbian.

The brief argues that New York courts should recognize that it is illegal for employers to retaliate against employees who report unlawful discrimination, even if they don't outright fire or demote the employee. The United States Supreme Court has recognized that it is a violation of federal law to take any action that could dissuade a worker from making or supporting a charge of discrimination. This brief urges the New York Supreme Court, Appellate Division, Second Department, to adopt the same standard as the Supreme Court.

The brief contends that the lower court incorrectly dismissed Ms. Keceli's employer's actions--which according to Ms. Keceli, included harsh work assignments and unwarranted write ups—as too trivial to be illegal retaliation. "We receive so many calls every year from workers who face discrimination at work but are afraid to report it because they think their employer would take exactly these types of actions: that is, that they will make their workers' employment conditions so miserable in various little ways that eventually they drop their claims," said Maia Goodell, a Supervising Attorney at MFY who represents low-wage and immigrant workers. "We'd like to be able to reassure workers that they can speak up against unfair discrimination without the prospect of having to endure slights and backhanded abuse because engaging in such treatment is against the law."

"Despite the progress we have made for civil rights, too many LGBT Americans still face ugly discrimination in the workplace," said Public Advocate Letitia James. "Discrimination can take many forms, and it's clear Ms. Keceli's employer was fostering an intolerant work environment. I look forward to continuing to work with MFY Legal Services and the National Employment Lawyers Association to bring justice in this case."

MFY Legal Services is a non-profit organization providing free legal assistance to low-income New Yorkers in the areas of employment, housing, consumer, civil and disability rights, public benefits, immigration and family matters.

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