

LEGAL UPDATES

PUBLISHED: MARCH 9, 2009

## Service

Labor &amp; Employment

# Court Imposes Personal Liability on Supervisors

On February 24, 2009, the Supreme Court of Missouri determined, for the first time, that supervisors can be individually liable for violations of the Missouri Human Rights Act.

In the case of *Hill v. Ford Motor Co.*, the plaintiff sued her employer and her supervisor for sexual harassment and retaliation and based her claims on the Missouri Human Rights Act (MHRA). The trial court had granted summary judgment to the employer and the supervisor, concluding, among other things, that the supervisor could not be personally liable under the MHRA. The Supreme Court of Missouri reversed, holding that the MHRA was "clear," and that it "intended to reach not just the corporate or public employer, but any person acting directly in the interest of the employer." The Court also concluded that "a supervisory employee clearly falls into that category."

Now, in light of the *Hill* decision, the supervisor, as well as the employer, can be liable for violations of the MHRA. The MHRA prohibits discrimination (which includes harassment) based on race, color, religion, national origin, sex, ancestry, age or disability. The MHRA also prohibits discrimination based on association with a member of a protected class, and retaliation for opposing discrimination (such as through filing complaints or participating in an investigation). The decision highlights the importance of training supervisors on all aspects of discrimination and retaliation.

### What This Means To You

Because personal liability for supervisors now exists in Missouri, it is even more important that employers continue to ensure that their supervisors are properly trained on how to keep the workplace free from discrimination and retaliation, as liability now rests not only with the company, but with the supervisors themselves.

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