

Costa v. Desert Palace
122 S.Ct. 864

In this case, the Supreme Court ruled unanimously June 9, 2003, that an employee does not have to provide direct evidence to show that discrimination was one of the reasons for a dismissal or other adverse job action. The ruling applies to “mixed motive” cases where an employer may have had a legitimate reason for an action but discrimination was also a motivating factor. While employees must still demonstrate that discrimination played a part, circumstantial evidence may be sufficient to prove discrimination beyond a reasonable doubt.

This ruling cautions employers to be aware of the totality of circumstances affecting an employment decision. While the decision may be based primarily on legitimate business necessity and/or job-related factors, employers may still be liable if illegal considerations (e.g., race, color, religion, sex, and national origin) played even a minor role, and the employee has direct and/or circumstantial evidence of such.

For more details on this case, see <http://supct.law.cornell.edu/supct.html/02-679.ZS.html>.