

## Racial Bias: Court Sees Grounds For Discrimination Lawsuit.

The US District Court for the Middle District of Tennessee dismissed most but not all of the allegations raised in an African-American nursing technician's lawsuit against her former employer.

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***A few isolated insensitive remarks from co-workers are not enough to create a racially hostile work environment.***

***The aide's supervisor took a harsh tone speaking with her on two occasions and generally seemed to be more friendly with her white co-workers. That is also not evidence of a racially hostile work environment.***

***However, the facility was not able to offer an explanation for the fact that this aide's hours were reduced while her white co-workers' hours were not.***

UNITED STATES DISTRICT COURT  
TENNESSEE  
May 17, 2011

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The aide's supervisor did not treat her in the same cordial manner she seemed to reserve only for her white co-workers, but there was never any overt racial component. Isolated insensitive remarks from co-workers do not fulfill the threshold of a racially hostile work environment.

However, after the tech began to complain about the way she was being treated her hours were reduced, while the hours of her white co-workers were not. The employer has the burden of proof to explain any apparently race-based discrepancy in compensation, or be held liable for discrimination, the Court ruled. **Norman v. Rolling Hills Hosp.**, 2011 WL 1877651 (M.D. Tenn., May 17, 2011).