

Sixth Circuit Looks To Seventh And Ninth Circuits In Reviving Firefighters Title VII Suit Against Union

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On June 1, the U.S. Court of Appeals for the Sixth Circuit joined the Seventh and Ninth Circuits in holding that the standards governing a duty of fair representation claim (i.e., a duty held by unions to represent all employees in good faith, and without discrimination) do not govern Title VII discrimination claims against a union.

In [Peeples v. City of Detroit](#), a group of Detroit firefighters brought suit against their union alleging disparate-treatment race and national origin discrimination in violation of Title VII. The lower court granted summary judgment in favor of the union, holding that the plaintiffs were required to establish a breach of the duty of fair representation in order to proceed. Relying heavily on the Seventh Circuit's decision in [Green v. American Federation of Teachers/Illinois Federation of Teachers Local 604](#), the U.S. Court of Appeals for the Sixth Circuit reversed the lower court's decision, explaining that Title VII is directed to both employers and labor organizations and there is nothing to suggest that labor organizations should be treated differently. Specifically, the court stated, "the doctrine of the duty of fair representation is one that complements Title VII protections, and that is subject to unique burdens and limitations that do not apply to claims under [Title VII]." The court further held that the firefighters could seek compensatory and punitive damages against the union because both remedies are available under Title VII.

The Sixth Circuit's holding means a different analysis now applies when union employees sue their union for violations of Title VII and potentially other federal anti-discrimination laws in federal courts in Kentucky, Michigan, Ohio and Tennessee. The practical effect of the court's decision, however, remains to be seen.

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