

# Pretext



“On various pretexts they all moved off.”  
Lewis Carrol’s Alice in Wonderland, illustration by Peter Newel.

## basic definition of pretext



Cambridge  
Dictionary

A pretended reason for doing something that is used to hide the real reason.

*I called her on the pretext of needing more information.*

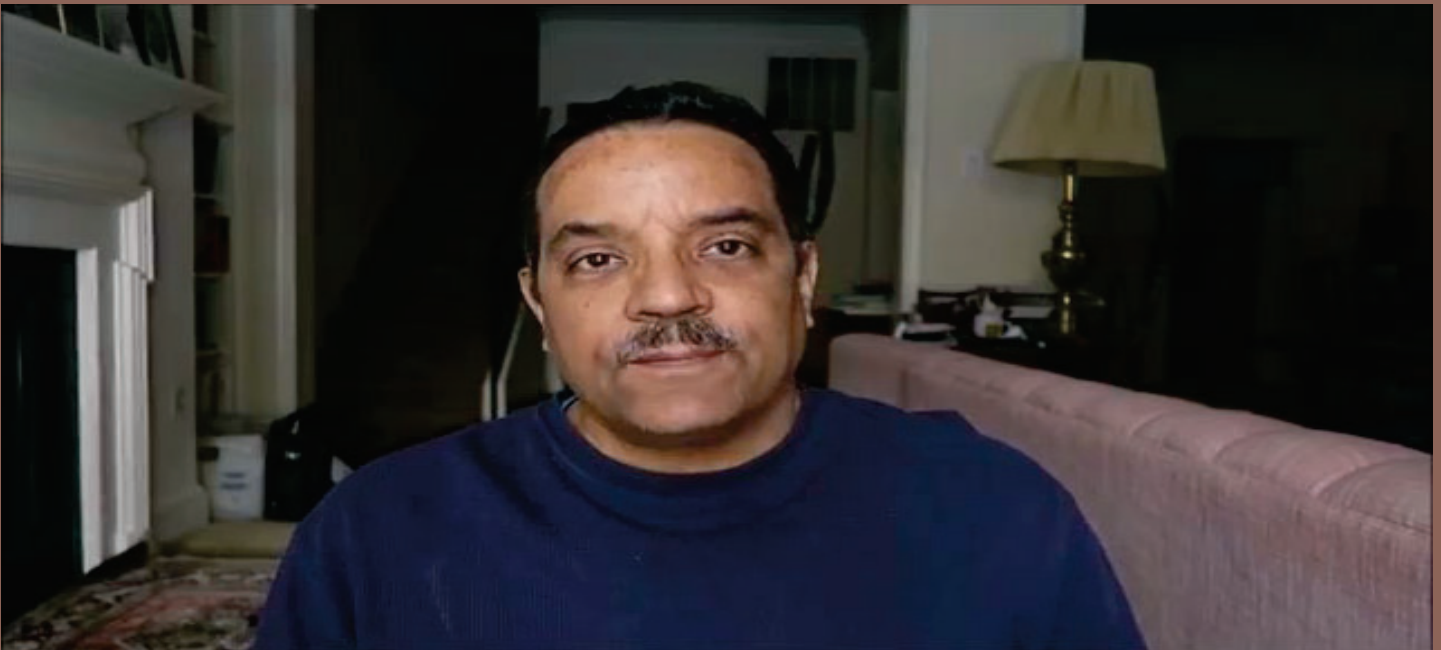
## definition from caselaw

- “A plaintiff may establish pretext either through evidence of disparate treatment or by showing that the employer’s proffered explanation is false or “unworthy of credence.”
- ”An explanation is false or unworthy of credence if it is **not the real reason** for the adverse employment action.”

*Laxton v. Gap Inc.*, 333 F.3d 572, 578 (5th Cir. 2003).

## pretext to juror

Jeff Rowan, *7 Days on a Federal Jury: Sex Discrimination at the Dept. of Labor?*, YouTube



stated  
reason can  
be based on  
true events

and still not  
be the *real*  
reason

factually false

Michael fires Pam and says it's because she ate his lunch. Michael did not actually bring a lunch to work.

factually true

Michael fires Pam and says it's because she broke the copy machine. Pam did break the copy machine two years ago.

factually half -true

Michael fires Pam and says it's because Pam skipped work on April 8<sup>th</sup>. Pam did skip work part of the day on April 8<sup>th</sup>, when the entire office left early.

Why should we care?



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