

Pretext



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

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.

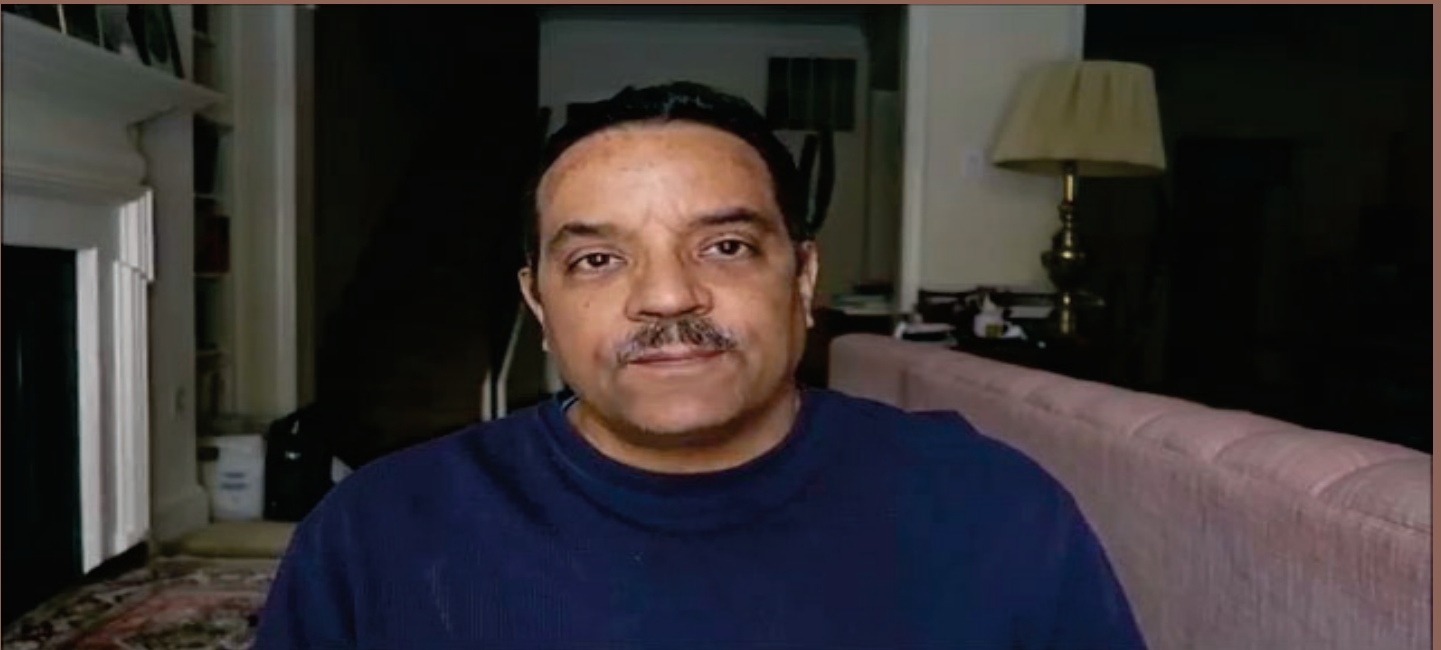
definition from caselaw

- “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 8th. Pam did skip work part of the day on April 8th, when the entire office left early.

Why should we care?



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