

Russian Nurses: Court Approves Lawsuit Alleging Race, National-Origin Employment Discrimination.

A Caucasian female nurse of Russian descent was terminated from her employment as a staff registered nurse in a hospital.

In the Federal-court lawsuit she filed following her termination she alleged numerous incidents of harassment and discrimination by her supervisor, an African American female nurse who was the hospital's managing director.

The lawsuit alleged the managing director announced to the nursing staff in so many words that there were too many Russian nurses and patients and that it had to change.

All the Russian-speaking nurses in the program were replaced eventually by African American nurses.

English-Only Rule = Discrimination

According to the US District Court for the Eastern District of New York, two-hundred forty of the Russian nurse's program's three hundred patients were Russian-speaking. The managing director, however, insisted that the Russian-speaking nurses speak only English to each other on the job and to their patients, while other nurses were permitted to speak languages other than English on the job such as Creole, according to the court.

Hospital Not Entitled To Dismissal Of Lawsuit

At this stage the court has not ruled definitively that the hospital committed discrimination. The court ruled only that the hospital was not entitled to dismissal of the lawsuit, that is, the Russian nurse was entitled to her day in court.

The US Federal anti-discrimination laws are broad enough to encompass a lawsuit by a Caucasian of Russian descent against an African American supervisor, if discriminatory treatment in fact can be proven, the court said. **Sharabura v. Taylor**, 2003 WL 22170601 (E.D.N.Y., September 16, 2003).

The nurse went ahead without an attorney representing her and filed charges with the US Equal Employment Opportunity Commission (EEOC) of national-origin discrimination.

The EEOC issued a right-to-sue letter. She filed a lawsuit against the hospital, still without an attorney.

Then she hired an attorney. The attorney raised allegations in the lawsuit of race and color discrimination on top of the nurse's original national-origin claim to the EEOC.

The hospital argued that the nurse failed to raise claims of race and color discrimination in her EEOC complaint and was barred from claiming those things in her lawsuit.

However, her claims of race and color discrimination will be interpreted to be reasonably related to the national-origin discrimination claim. The superficial error the nurse made without the benefit of legal counsel will not be held against her in this case.

UNITED STATES DISTRICT COURT
NEW YORK
September 16, 2003

Discrimination: Cancellation Of Physician Agreement Seen As Retaliation.

The nurse practitioner who was suing had filed at least five discrimination complaints with the EEOC. Both sides in her lawsuit agreed to that for the record.

She was also named as a witness by another nurse in the other nurse's discrimination claim. Her nurse co-workers said behind her back that participating as a witness in that case was disloyal and disrespectful and she did not deserve to keep her job. Shortly after she testified for the other nurse her physician supervisor called her in and told her if she discussed the department's problems with anyone outside the department she would be transferred out of the city.

Under state law a nurse practitioner is required to have a collaborative agreement with a physician in order to be able to practice and keep her job.

Canceling a nurse practitioner's collaborative agreement, or offering only one that is entirely unworkable, is a form of illegal discriminatory retaliation.

UNITED STATES DISTRICT COURT
ILLINOIS
October 3, 2003

The physician department head then told her he was disgusted with her and was no longer designating her supervisor as her supervisor and would not approve another collaborative agreement.

The US District Court for the Northern District of Illinois saw grounds to sue for illegal retaliation. **Antunovich v. County of Cook**, 2003 WL 22284198 (N.D. Ill., October 3, 2003).