

Supreme Court Finds Employee's Oral Complaint Protected under FLSA

April 20, 2011

If an employee makes an oral complaint about an employer's pay or time-keeping practices, but never puts the complaint in writing, can the employee take advantage of the Fair Labor Standards Act's anti-retaliation provision? In *Kasten v. Saint-Gobain Performance Plastics Corp.*, the U.S. Supreme Court recently decided that the answer is yes – an employee's oral complaint is sufficient to invoke the Act's protection against retaliation.

What Happened

Plaintiff Kevin Kasten, a manufacturing employee, made oral complaints to his employer about the location of the company's time clock, which he believed prevented employees from being paid for time spent donning and doffing protective gear. Kasten was subsequently terminated, and he filed suit under the Fair Labor Standards Act ("FLSA") claiming that his discharge violated the FLSA's anti-retaliation provisions. The U.S. District Court for the Western District of Wisconsin dismissed Kasten's case, finding that he was not protected by the FLSA because he failed to make a written complaint. On appeal, the 7th U.S. Circuit Court of Appeals affirmed the dismissal. The Supreme Court, however, reversed both lower courts, concluding that Kasten's oral complaints were sufficient to bring him under the FLSA's retaliation protection. [Read more ...](#)