

# Deutsche Bank manager didn't want to 'deal with' medical issues, suit says

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Lisa Burden

## Dive Brief:

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- In a lawsuit alleging Family and Medical Leave Act (FMLA) retaliation, a Deutsche Bank employee said her supervisor sent "a clear message that he did not want to 'deal with' an employee with medical issues" (*Kaur v. Deutsche Bank A.G. and Boeri*, No. 19-cv-02505 (S.D.N.Y., March 21, 2019)).
- After receiving several years' worth of good performance reviews from other managers, Rajnarind Kaur said her manager, new to her department, told her she was a "mismatch" for the group shortly after she disclosed having a brain tumor. The manager also allegedly denied her requests for training and, following leave to have her tumor removed, instructed others not to help her. She also said she repeatedly requested her job description so she could address the manager's concerns but never received it. Kaur alleged that she complained about the behavior to HR, but no "remedial action was ever taken." Deutsche Bank eventually fired her, saying her manager believed she did not possess "the appropriate skillset for [her] position."
- The complaint also noted that Kaur — an Indian Sikh woman — intends to file a discrimination charge. Her department allegedly required training on fraud, bribery, corruption and money laundering that depicted South Asians "as being prone to engage in fraudulent activities related to terrorism."

## Dive Insight:

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While the fact-specific details of this case have yet to undergo a court's scrutiny, the allegations offer employers a reminder of the importance of good documentation. Vague feedback and unclear expectations can create problems for employers, creating legal headaches at times, Allison West, principal at Employment Practices Specialists, told attendees at the Society for Human Resource Management's Employment Law and Legislative Conference last week.

Managers often create documentation with ambiguous language, West said. In the case of Kaur's manager, he allegedly wrote in her performance review that she wasn't a "good fit." Phrases like "bad attitude" and "not fitting in" can lead to disasters, West said; these phrases lead employees to assume their managers are unhappy about their age, race or another protected characteristic, she said.

Action plans to correct behavior should be clear, too, West said. Managers should be trained to explain exactly what employees must do, and the consequences of failing to do so. It's also important for managers to remember that any communication done over email or instant

messaging platforms may never go away, even if deleted. "Your email will last forever," West said; "every word that gets written is evidence."