

Pretext



"On various pretexts they all moved off."

Lewis Carroll'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.

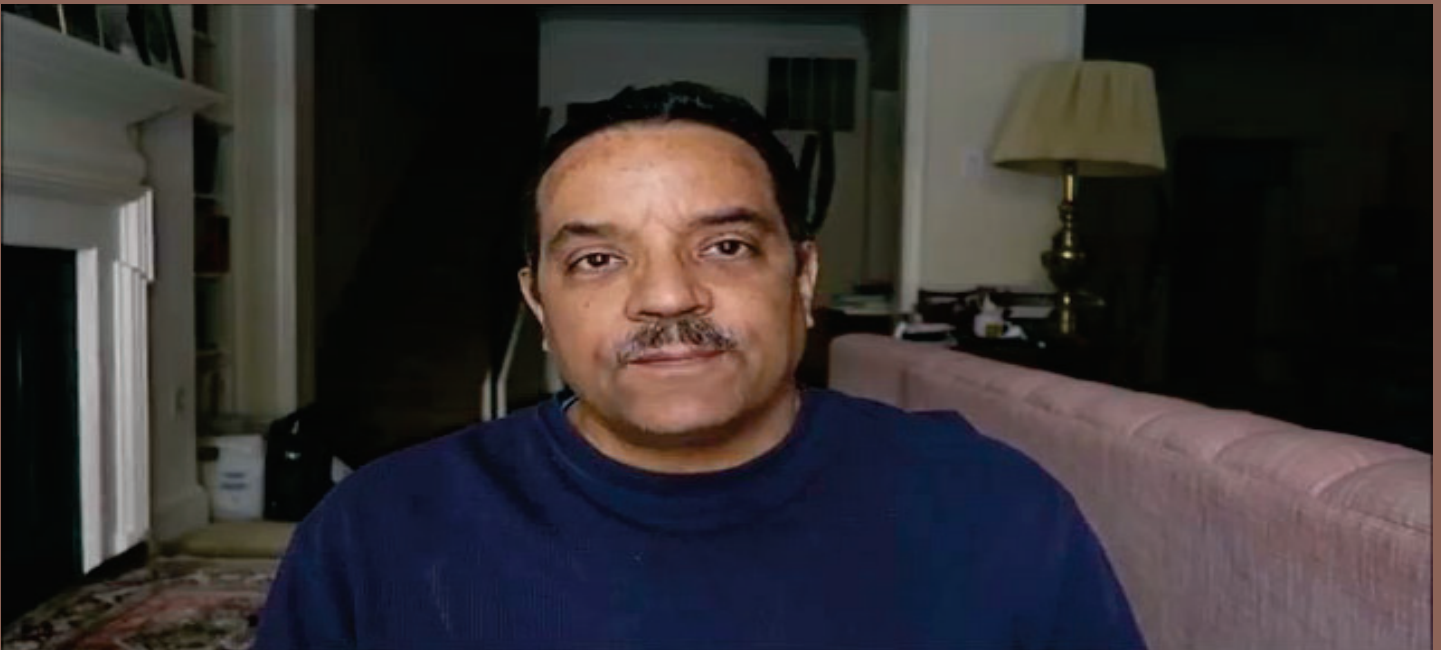
definition from caselaw

- “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?



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Pretext

Also available as part of the eCourse

[2022 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the
29th Annual Labor and Employment Law Conference session
"Pretext"