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Thomson Reuters employee forum hostile to whites, suit says

Fired data science director claims retaliation

Pat Murphy (https://masslawyersweekly.com/files/2024/06/Kriegman-v.-Thomson-Reuters.pdf) filed in U.S. District Court on June 7, Thomson Reuters created an environment “permeated by antagonistic and racially divisive conversations based on racial essentialism and stereotypes” through its internal communications channel, “The Hub.”

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A former director of data science for Thomson Reuters claims in a federal lawsuit that the information company’s internal communications channel tolerated stereotypical comments about whites while suppressing opinions questioning aspects of diversity, equity and inclusion initiatives.

According to the [Title VII hostile work environment and retaliation suit](https://masslawyersweekly.com/files/2024/06/Kriegman-v.-Thomson-Reuters.pdf) (https://masslawyersweekly.com/files/2024/06/Kriegman-v.-Thomson-Reuters.pdf) filed in U.S. District Court on June 7, Thomson Reuters created an environment “permeated by antagonistic and racially divisive conversations based on racial essentialism and stereotypes” through its internal communications channel, “The Hub.”

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“Only white employees were subjected to comments on The Hub associating their skin color with negative characteristics, such as an inability to self-reflect or analyze information properly (‘white fragility’),” the complaint states. “Only white employees were bombarded with negative racial stereotypes on The Hub, such as the stereotype that white women cry in order to manipulate and oppress, rather than to express genuine or authentic emotion.”

Filed by Isaac “Zack” Kriegman, the suit alleges that Kriegman lost his job in Thomson Reuters’ Boston office in June 2021 after he sent an email to senior company leadership and colleagues objecting to the racially hostile work environment and claiming his supervisor and the company’s human resources department ignored his complaints.

The plaintiff is represented by Michael T. Allen of Quaker Hill, Connecticut.

“We would all recognize that no one would tolerate an organization that broadcast throughout its workplace stereotypes about Blacks,” Allen said. “If you strike out ‘white’ from everything we [alleged] in the complaint and put in ‘Black’ or ‘Mexican’ or ‘Muslim,’ everyone would realize that that would be intolerable.”

A spokesperson said Thomson Reuters strongly denied the allegations.

‘Recipe for disaster’

While Kriegman’s claims have yet to be tested in court, some see the case as a stark warning to employers of the perils of hosting internal communication platforms that allow employees free rein to express unfiltered views on controversial subjects.

East Providence employment attorney Louise A. Herman called Thomson Reuters’ workplace communications platform a “recipe for disaster.”

If you strike out ‘white’ from everything we [alleged] in the complaint and put in ‘Black’ or ‘Mexican’ or ‘Muslim,’ everyone would realize that that would be intolerable.

— Michael T. Allen, Quaker Hill, Connecticut



“DEI initiatives in the workplace are important for a whole host of reasons. However, what is equally critical is how they are rolled out and how they are implemented,” Herman said. “It must be thoughtful, focused and have clear objectives. It must be managed by skilled facilitators. From

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what I could glean from the complaint, it sounded like they had this platform and allowed people to just go at it.”

Charlestown employment attorney Susanne Bines Hafer predicted the complaint would at least be able to withstand a motion to dismiss.

“It’s a plausible complaint on its face. Whether he’ll be able to establish the elements that are necessary to sustain it beyond summary judge or to trial depends on information we don’t have yet,” said Hafer, whose work with employers includes drafting handbooks and providing workplace training.

Jeffrey A. Dretler, an employer-side attorney in Boston, agreed that businesses should proceed with caution in setting up employee engagement platforms like The Hub.

“I don’t think the workplace is the proper forum for the expression of everybody’s ideas,” Dretler said. “It can be very disruptive. And that can be the very essence of harassment in the workplace.”

The Hub

According to Kriegman’s complaint, The Hub is similar to the Slack cloud-based team communication platform used at other large organizations.

“Employees were expected to stay abreast of current company events on The Hub, and even expected to produce content on The Hub,” the plaintiff’s complaint states. “Employees were evaluated by the quality and quantity of Hub content they produced. Opting out of using The Hub was not an option for Kriegman.”

Thomson Reuters allegedly incorporated The Hub into the company’s DEI initiative, encouraging company conversations about DEI-related matters.

“The Hub functioned like a company water cooler, encouraging company conversations at TR,” the plaintiff states. “But unlike a company water cooler, posts and discussions on The Hub were monitored by TR. This included TR actively editing materials and censoring materials through deletion of materials from the site that did not adhere to company standards.”

Hafer said the plaintiff’s likening of The Hub to the company water cooler is a compelling analogy.

“It raises some very interesting questions about whether and how much employers should be participating in any dialogue that is not tied to the work of the organization,” Hafer said. “Part of the reason these companies need to strongly consider keeping [these dialogues] within the parameters of the work that’s done is that the laws currently on the books aren’t really prepared to adequately address when and where a broader dialogue enters into legally prohibited territory. The laws right now are completely color blind.”

According to the plaintiff, employees using The Hub could flag posts and comments for review if they had concerns. Once a post or comment was flagged for review, the company would temporarily remove it from the site. If the post met certain “community standards,” the company would reinstate the content on the site. On the other hand, the company would permanently ban content from The Hub if it violated the company’s community standards.

According to Herman, there can be inherent risks associated with having supervisors making judgment calls on the appropriateness of employee posts.

“If the comments are race-based, are [the managers] showing preference for one race versus another?” she asked.

According to Dretler, there are other risks associated with supervisors weighing in on workplace forums.

“I could certainly see [a potential problem] if your supervisor posted again and again on white privilege, and you’re white and your supervisor is Black, and you get a bad performance review,” Dretler said. “Or maybe you just feel uncomfortable that you are now reporting to someone whose

outspoken views on race you don't agree with and make you uncomfortable. That could be an issue."

Kriegman alleges in his suit that the company did not maintain clear standards as to what content was permissible on The Hub or for the review of flagged posts and comments.

Hafer said that the alleged lack of clear standards is problematic from the employer's standpoint.

"If you do not have objective parameters, you're at risk even having [these platforms]," Hafer said. "You need to have objective parameters that can be applied to every post. And you need to adhere to those parameters, or else you are opening yourself up to [allegations of] differential treatment, which is really at the heart of discrimination and retaliation claims."

Rather than consistently applying objective standards, Thomson Reuters applied different standards for determining "acceptable thought and commentary" based on race, the plaintiff alleges.

"By allowing and encouraging certain messages on The Hub while censoring or deleting others, TR created a racially hostile work environment where employees were regularly subjected to race-based messaging and racial stereotypes. ...," the complaint states. "Materials shared on The Hub referred to things like 'the self-indulgent tears of white women,' putting on 'a pair of White Privilege glasses,' 'white fragility,' and problems of 'whiteness' based on racial essentialism and stereotypes due to nothing more than skin color."

Out at Thomson Reuters

Kriegman alleges that, beginning in 2020, he became increasingly uncomfortable at work and fearful of expressing his opinions, eventually prompting him to take a two-month leave of absence.

Upon returning to work, Kriegman decided to take a stand. On May 4, 2021, he posted a 15-page article expressing his view that, while well-intentioned, the Black Lives Matter movement "was responsible for a significant increase in deaths in predominantly Black communities, due to under-policing brought on by the movement's anti-police rhetoric."

According to Kriegman, the company removed the post from the site within two hours of posting. The complaint details several weeks of back and forth between the plaintiff, supervisors and HR managers over his contention that he was being unfairly censored. On May 28, 2021, Kriegman posted a revised version of his BLM article.

While Kriegman claims some co-workers expressed support for the article, a number of co-workers posted hostile responses, in one instance comparing his views to those of members of the Ku Klux Klan.

"But for Kriegman's race, he would not have been targeted for 'whitesplaining,' 'white fragility, wearing 'a pair of White Privilege glasses,' 'Seeing White,' having 'Habits of Whiteness,' and many other stereotypes based in racial essentialism and nothing more than skin color," the complaint states.

On June 2, 2021, Kriegman reported the alleged harassment to his bosses. "Within minutes," Thomson Reuters removed his post, the complaint states.

"Yet his colleagues' racially charged comments and messages were permitted to remain on The Hub," it adds.

After further exchanges with management, Kriegman received an email on June 7 notifying him that he was being terminated for "violating [management's] express direction and [having] repeatedly refused to follow the counsel offered."

Social malady in media?

While Herman said Kriegman's complaint would likely survive a motion to dismiss, she noted that reverse-discrimination cases are tough for plaintiffs to win and suggested that Kriegman did not have a strong hostile work environment claim.

"But the retaliation claim struck me as being stronger," Herman said.

In assessing Kriegman's hostile environment claim, Dretler said he would want to know whether employee posts on the engagement site are limited to one's local office or are distributed globally.

"Thomson Reuters is a huge company," he said. "If somebody in the London office posts something about white privilege and you're in the Boston office and you don't like it, is it a hostile work environment for you?"

Allen likens what happened to his client to the reported troubles at the New York Times over employee exchanges on the newspaper's Slack platform.

"Especially with media companies, there is a lot of chatter behind the scenes about what they are covering," Allen said. "What happened to [Kriegman] seems to be some kind of social malady for this industry."

Stereotyping based on race is a double-edged sword, even when targeting whites, he added.

"Maintaining stereotypes about white people depends upon stereotyping Black people, too," Allen said. "You can't have one without the other."

In addition to asserting claims under Title VII, Kriegman's lawsuit alleges state law hostile work environment and retaliation claims under G.L.c. 151B. In his prayer for relief, Kriegman seeks both compensatory and punitive damages, as well as reinstatement to his former position.

Defense counsel had not entered an appearance as of press time.

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