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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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KASTEN *v.* SAINT-GOBAIN PERFORMANCE PLASTICS CORP.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 09–834. Argued October 13, 2010—Decided March 22, 2011

Petitioner Kasten brought an antiretaliation suit against his former employer, respondent (Saint-Gobain), under the Fair Labor Standards Act of 1938 (Act), which provides minimum wage, maximum hour, and overtime pay rules; and which forbids employers "to discharge . . . any employee because such employee has filed any complaint" alleging a violation of the Act, 29 U. S. C. §215(a)(3). In a related suit, the District Court found that Saint-Gobain violated the Act by placing timeclocks in a location that prevented workers from receiving credit for the time they spent donning and doffing work-related protective gear. In this suit Kasten claims that he was discharged because he orally complained to company officials about the timeclocks. The District Court granted Saint-Gobain summary judgment, concluding that the Act's antiretaliation provision did not cover oral complaints. The Seventh Circuit affirmed.

Held: The scope of statutory term "filed any complaint" includes oral, as well as written, complaints. Pp. 4–15.

(a) The interpretation of the statutory phrase "depends upon reading the whole statutory text, considering the [statute's] purpose and context . . . , and consulting any precedents or authorities that inform the analysis." *Dolan* v. *Postal Service*, 546 U. S. 481, 486. The text, taken alone, cannot provide a conclusive answer here. Some dictionary definitions of "filed" contemplate a writing while others permit using "file" in conjunction with oral material. In addition to dictionary definitions, state statutes and federal regulations sometimes contemplate oral filings, and contemporaneous judicial usage shows that oral filings were a known phenomenon at the time of the Act's passage. Even if "filed," considered alone, might suggest a narrow inter-

pretation limited to writings, "*any* complaint" suggests a broad interpretation that would include an oral complaint. Thus, the three-word phrase, taken by itself, cannot answer the interpretive question. The Act's other references to "filed" also do not resolve the linguistic question. Some of those provisions involve filed material that is virtually always in writing; others specifically require a writing, and the remainder, like the provision here, leave the oral/written question unresolved. Since "filed any complaint" lends itself linguistically to the broader, "oral" interpretation, the use of broader language in other statutes' antiretaliation provisions does not indicate whether Congress did or did not intend to leave oral grievances unprotected here. Because the text, taken alone, might, or might not, encompass oral complaints, the Court must look further. Pp. 4–8.

(b) Several functional considerations indicate that Congress intended the antiretaliation provision to cover oral, as well as written, complaints. Pp. 8–14.

(1) A narrow interpretation would undermine the Act's basic objective, which is to prohibit "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers," 29 U. S. C. §202(a). The Act relies for enforcement of its substantive standards on "information and complaints received from employees," *Mitchell* v. *Robert DeMario Jewelry, Inc.*, 361 U. S. 288, 292, and its antiretaliation provision makes the enforcement scheme effective by preventing "fear of economic retaliation" from inducing workers "quietly to accept substandard conditions," *ibid.* Why would Congress want to limit the enforcement scheme's effectiveness by inhibiting use of the Act's complaint procedure by those who would find it difficult to reduce their complaints to writing, particularly the illiterate, less educated, or overworked workers who were most in need of the Act's help at the time of passage? Limiting the provision's scope to written complaints could prevent Government agencies from using hotlines, interviews, and other oral methods to receive complaints. And insofar as the provision covers complaints made to employers, a limiting reading would discourage using informal workplace grievance procedures to secure compliance with the Act. The National Labor Relations Act's antiretaliation provision has been broadly interpreted as protecting workers who simply "participate[d] in a [National Labor Relations] Board investigation." *NLRB* v. *Scrivener*, 405 U. S. 117, 123. The similar enforcement needs of this related statute argue for a broad interpretation of "complaint." The Act's requirement that an employer receive fair notice of an employee's complaint can be met by oral, as well as written, complaints. Pp. 8–12.

(2) Given the delegation of enforcement powers to federal admin-

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istrative agencies, their views about the meaning of the phrase should be given a degree of weight. The Secretary of Labor has consistently held the view that "filed any complaint" covers both oral and written complaints. The Equal Employment Opportunity Commission has set out a similar view in its Compliance Manual and in multiple briefs. These views are reasonable and consistent with the Act. And the length of time they have been held suggests that they reflect careful consideration, not "*post hoc* rationalizatio[n]." *Motor Vehicle Mfrs. Assn. of United States, Inc.* v. *State Farm Mut. Automobile Ins. Co.*, 463 U. S. 29, 50. Pp. 12–13.

(3) After engaging in traditional statutory interpretation methods, the statute does not remain sufficiently ambiguous to warrant application of the rule of lenity. Pp. 13–14.

(c) This Court will not consider Saint-Gobain's alternative claim that the antiretaliation provision applies only to complaints filed with the Government, since that claim was not raised in the certiorari briefs and since its resolution is not a " 'predicate to an intelligent resolution' " of the oral/written question at issue, *Caterpillar Inc.* v. *Lewis*, 519 U. S. 61, 75, n. 13. Pp. 14–15.

570 F. 3d 834, vacated and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, GINSBURG, ALITO, and SOTOMAYOR, JJ., joined. SCALIA, J., filed a dissenting opinion, in which THOMAS, J., joined as to all but n. 6. KAGAN, J., took no part in the consideration or decision of the case.