

Case study on sexual harassment

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Case Study on Sexual Harassment

The Former employees' gender discrimination suit, will they be successful?

They will probably not succeed in their gender discrimination suit against the cable company as there seemed to have no obvious reason that they were discriminated by the company on the basis gender. On the other hand, it appeared that there was indeed discrimination but it was a retaliatory discrimination under Title VII of the Civil Rights Acts of 1964 in which employers are prohibited from taking retaliatory action. The former employees can easily establish a prima facie case of retaliation in view of their relationship to the employee who had filed a discrimination complaint which had caused the company to close down that particular department.

It seemed that the appropriate case that should have been filed against the company is retaliatory discrimination rather than gender discrimination.

An unmarried male frequently teased by other males, could this be sexual harassment?

Sexual harassment exists every time an unwelcome conduct based on gender impinges on a person's job. Title VII of the Civil Rights Acts of 1964 and the Equal Employment Opportunity Commission (EEOC) emphasized that sexual harassment is not limited on unwelcome sexual advances or requests for sexual favors. It also includes verbal or physical conduct which had the effect that creates a daunting, offensive, and hostile environment in the work place (Preventing Sexual Harassment).

In the case of the unmarried employee, obviously, his work performance is affected by the constant teasing of other male employee which is creating a

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hostile, offensive, and daunting working environment for him. The constant teasing of other male employees is therefore sexual harassment based on the provision of Title VII and the EEOC as cited above.

Marge sexual harassment suit for getting the promotion she goes up for

There is a great possibility that Marge will not win her suit because the basic element that constitute the sexual harassment act such as unwelcome sexual advances, request for sexual favors, and other physical and verbal contact of a sexual nature by somebody in a position of power or influence as cited in Title VII of the Civil Rights Act of 1964 and EEOC pertaining to sexual harassment act (Facts About Sexual Harassment), seemed to be lacking. Furthermore, the working environment is also not hostile to her that could have interfered with her performance in work. The reason she cited may not be sufficient to constitute sexual harassment, and that the company she is working with may have some grounds for not granting the position she was aspiring at the moment. In any case, the possibility of losing her suit is great because she seemed to lack sufficient evidence to support her suit.

The ChristianSciencerefusal to hire Feldstein

The policy of the Christian Science Monitor to hire only those who belong to the Christian Science religion could be legal because every organizations whether business, educational, or religious in nature have the right to set their own ethical and procedural guidelines they deemed necessary for attaining their desiredgoals. These ethical and procedural guidelines are often the basis for their maintenance of the highest standard of the conduct of business and all employees are expected to abide to these guidelines.

The provisions of EEOC and the Title VII of the Civil Rights Act of 1964 do not prohibit any company to set their own ethical and procedural guidelines that includes the hiring of their employees so long as these policies and guidelines are not discriminatory in nature. I therefore believe that the news paper's policy is legal because hiring personnel who do not share the same conviction may only put the organization in bad light.

A woman who had picture on her desk sues her co worker for taking the picture and placed on his screen saver

I believe that the woman could sue her co-worker for sexual harassment but she might not gain success, as the act of her co-worker do not seem to fall on any of the sexual harassment provisions of the law under Title VII of the Civil Rights Act of 1964 because it was first the woman who publicly displayed her picture on her disk where male employees could see. Malicious mischief could be the right charge she could file against her co-worker if in case. However, the actions of the manager rightly fit to be classified as unwelcome sexual advances and requests for sexual favors.

Under Title VII of the Civil Rights Acts of 1964, the woman has the right to work in an environment where her rights are respected. Environment that is free from unwanted sexual advances, free from request for sexual favors, free from the threats related to economic such as termination, demotion, and so forth, and finally, she has the right to have an environment that is neither offensive nor hostile to her (Women Work).

Based on this scenario, the woman have legal viable claim for quid pro quo sexual harassment because the manager explicitly implies demand for

sexual favor by asking her to show her breast. The fact that she was demoted upon her refusal to the demand of the manager clearly indicates her as a victim of sexual harassment and is enough to merit liability on the part of the manager.

The legal factors in the context of the employee pursuing legal actions against the employer are the provisions of both Title VII of the Civil Rights Act of 1964 and the EEOC which strictly prohibit sexual harassment and sexual discrimination in the workplace. If the woman would file a suit against the manager and she would be able to prove her charges, she could claim moral damages and a retaliation claim as well as justice against the manager for maligning her.

Top five suggestions to avoid sexual harassment case

The first scenario that I will suggest is the case of a woman who was asked by the manager to go on a trip with him to show him her breast. When she refused, she was demoted in her position. I chose this to be the first because this is usually happening in the workplace.

The second is the case of the thirty-three year old single male employee living with his mother who was constantly teased by other male employees. Exploring how the behavior of other employees is creating a hostile environment can greatly help to come up with a broader sexual harassment policy. The third is the case of Marge who felt that she was sexually discriminated for not being given a promotion. Exploring this scenario can provide employees a clear understanding about the sexual harassment offense. The fourth is the case of the three employees who were not

reinstated when the department they were working reopened. Exploring this case will give a better understanding about the difference between sexual discrimination, sexual harassment, and retaliatory discrimination. The last is the hypothetical case of the woman's picture on her desk.

Given these five suggestions for exploratory studies, it will surely help to come up with a sexual harassment protocol that will help avoid potential sexual harassment liability.

Reference

Facts about Sexual Harassment (Modified June, 2002)

<http://www.eeoc.gov/facts/fs-sex.html>

Preventing Sexual Harassment A Fact Sheet for Employees

http://www.dotcr.ost.dot.gov/Documents/complaint/Preventing_Sexual_Harassment.htm

What is: Sexual Harassment Defined

<http://www.president.umd.edu/legal/policies/def.html>

Sexual Harassment: Defend Yourself by Knowing the Law (2105)

<http://www.womenwork.org/resources/tipsheets/sexualharassment.htm>

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