

# Free harassment in the workplace essay sample

[Business](#), [Employee](#)



- Analyze whether Patty can establish a prima facie case of harassment. Cite at least one case from the book in your response.

Harassment such as continuous sexual banter that is not directed at anyone in particular and in which both male and female employees are involved cannot be subjected to law . In one of the cases (Faragher at 808-09) presented at the Supreme Court where both males and females were subjected to the same conditions at work place, it was concluded that a sexually offensive work atmosphere in the workplace cannot be considered as sexual discrimination unless one gender may be discriminated from the other . However, in a case of work environment that involved a high level of harassment, it was concluded that the depiction of women in offensive jokes and graphics was considered to be sexually demeaning uniformly and also indicated the message that women were available for sexual exploitation by men .

In the present case study, the work environment at Minneapolis zoo was sexually offensive behavior in which both males and females were involved. However, lately, Charlie who was the Executive Director of the Minneapolis Zoo started depicting Patty (a female employee) in cartoons in the staff lunchroom of her engaged in sexual acts. This is clearly a case of sexual harassment, as it involves the depiction of women in offensive jokes and graphics and indicate that women can be sexually exploited by men. Patty can therefore establish a prima facie case of harassment.

- Analyze whether the affirmative defense to alleged harassment by a supervisor/manager is available at the zoo. Cite at least one case from the book in your response.

The decision if reasonable amount of care was taken to prevent harassment at workplace depends on the existence of a strong harassment policy and a complaint procedure . In case a legal anti-harassment policy and complaint procedure did not exist at the organization, the employer cannot defend himself . Usually employers need to show that they acted to prevent harassments and responded to employee complaints and conducted corrective measures to prevent future incidents at the workplace . In ruling for a case (Walton v. Johnson & Johnson Services Inc, 347 F. 3d 1272 (11th Cir. 2003), cert. denied, 541 US 949 (2004)), the Supreme Court has alleged that the absence of a sound anti-harassment and discrimination policy procedure at work place can prevent an employee from claiming that affirmative action was taken to address the issue and therefore the employer cannot defend himself .

In the present case, the zoo had well established policies that were designed to prevent and prohibit all types of illegal harassment including sexual harassment. The zoo on receipt of the charge by Patty immediately came into action and hired an external investigator to interview Charlie regarding the allegations. The zoo also conducted a training for employees on anti-harassment policies at the zoo and closed the investigation on the basis of its interaction with Charlie and Patty.

- Analyze the adequacy of the investigation and remedial measures AFTER Patty filed the EEOC charge.

In some of the cases, the employers are successful in establishing corrective measures in response to harassment complaint cases. In many cases where the organizations have a well-designed anti-harassment policy and complaint

procedure at work place and the policy is reinforced for all employees through official documents such as annual reports . Also in depth investigations are conducted by such organizations to get to the crux of the issue and the liable officers are punished and even terminated for unlawful behavior . An investigation that ignores the critical interview of the eye witnesses involved in the incidents may be considered inadequate to meet the employer's legal responsibility (Case Hathway v. Runyon 132 F. 3d 1523, at 1529 9th Cir 1995) .

In the present case scenario, though the zoo had policies to prevent and prohibit all forms of unlawful harassment including sexual harassment, but there was a gap in the enforcement of the policy in the organization. The zoo was quick enough to respond to the change by ordering an enquiry through an external investigator, but the investigation was very superficial and merely involves an interview procedure that involved Patty (victim) and Charlie (accused). Charlie as usual denied the charges and his statements were accepted and the investigation was closed. It was merely on the basis of " he-said/she-said" scenario that the zoo authorities closed their investigations. The interview of the eye witnesses was ignored in the present case investigation. As a remedial measure, the zoo authorities conducted an extensive training on the anti-harassment policies at the zoo. The zoo authorities should have conducted a more stringent and detailed investigation about the matter and audits of the workplace should have been conducted to recover the cartoon graphics made by Charlie to harass Patty at the work place. A detailed and exhaustive investigation could have revealed the truth and a strict action should have initiated against Charlie for

the offensive act. Such an escape from this case could further build the confidence of Charlie in the sexual harassment of future women employees at the zoo. Efforts should also have been taken to restore the job of Patty as she was forced to resign as a result of the harassment at the workplace.

### **Works Cited**

Walsh, David J. Employment Law for Human Resource Practice. Mason: Cengage Learning, 2013. Print.