

Do Your 'Team Leaders' Have the Same Harassment-Reporting Duties as Your Supervisors?

Supervisors and managers MUST report harassment to higher-ups. But what are the reporting obligations of “team leaders” or “leads”? These are people who have more responsibilities than employees but less than full-fledged members of management. Leads live in that “gray zone” somewhere in between. So what are their obligations? One court recently clarified it: Train them like managers to report suspected harassment. Staying silent will create liability.

Case in Point: Season Blevins, an 18-year-old cashier at a Tennessee chicken and biscuits restaurant, worked the night shift with a cook and team leader. Shortly after she started the job, Blevins was allegedly subjected to come-ons by the cook. He frequently made sexually explicit comments to her and repeatedly touched her body and breasts.

On at least four occasions, Blevins reported the cook’s conduct to the shift leader. Blevins says the shift leader even witnessed some of the cook’s inappropriate sexual behavior but never tried to stop him.

The shift leader admitted that she never reported the incidents to anyone higher up because she didn’t consider the cook’s conduct a “serious” problem. The leader reasoned that she didn’t want to get the cook into trouble because he was supporting a family and “he just had a thing for young girls.”

Eventually, Blevins's mother stepped in. She reported the sexual harassment to the restaurant's general manager, who investigated and disciplined the cook. Blevins requested to be transferred to a different shift but was denied. She quit and filed a hostile work environment lawsuit.

Blevins' claim revolved around the fact that she notified her shift leader of the harassment but the company failed to take action.

The restaurant denied any liability by arguing that its harassment policy requires employees to report harassment to “management,” and that team leaders are not part of the management circle. The company noted that once it received “proper” notice of harassment via its general manager, it immediately took disciplinary action. (*Blevins v. Famous Recipe Co. Operations LLC*, M.D., Tenn., 11/30/09)

What happened next and what lessons can be learned?

The court rejected the employer’s defense and sent the case to a jury. The court ruled that Blevins could “reasonably” believe her shift leader was authorized to get the cook to simmer down.

Seasons Greetings! 3 Lessons Learned...Without Going to Court

- 1. Make a list.** List the names of all employees who need to be trained on your company's harassment, discrimination and retaliation prevention policy. Divide the list into employee training and management training. The managers' training must increase awareness of inappropriate workplace conduct and the obligation to report it immediately to initiate an investigation.
- 2. Check it twice.** Make sure the management class list includes team leaders. Explain to leads that while they are not considered managers, the company is still asking that they contribute to a respectful culture by immediately stopping and then reporting any inappropriate conduct.
- 3. Better find out whose naughty or nice.** Always investigate every complaint immediately. The jury will know if you've been investigating or not, so be prompt for goodness sake.