

Jilted lover's badgering could become your problem

Joseph Succar's affair with Clemencia Lorenz soured after about a year. At the school where they worked, she verbally and physically harassed Succar and tried to embarrass him in front of teachers and students. She also is accused of threatening his wife and son.

Succar tried to avoid her and reported the incidents to the principal. But he claims the school district didn't do enough to protect him, and he sued.

Ruling that a personal feud can't be turned into a sexual discrimination case, a federal court threw the case out. It said Succar failed to prove a critical element: that he was harassed because of his sex. The harassment was based on a failed relationship. His gender didn't matter. (Succar v. Dade County School Board, No. 99-13681, 11th Cir., 2000)

Advice: Five words: Don't try this at work. This ruling does not mean you should give employees carte blanche to seek revenge on co-workers. It does mean your harassment policy should ban threatening, intimidation or hostile acts, and can include corrective action up to dismissal and a police report. Nip all harassment problems in the bud.

In some states, an employee might win on a claim of "negligent supervision" or "negligent retention." This case does not go into detail about the harassment but notes that it was physical, not just verbal, and that Succar's wife got a restraining order.

Hostile environments: 5 elements

In a hostile work environment case, the worker must prove that:

1. The employee belongs to a protected group.
2. The employee was subjected to unwelcome harassment.
3. The harassment was based on the employee's sex.
4. The harassment affected a "term, condition or privilege" of employment.
5. The employer knew or should have known of the harassment and failed to act.