

# Personality clash or hostile work environment? It depends on hypothetical 'reasonable person'

Overly sensitive employees can interpret anything negative as hostile. They may sue over perceived wrongs, claiming a hostile work environment.

But often what is subjectively hostile is just unpleasant from an objective standpoint, the result of an apparent personality conflict. It all depends on how a hypothetical "reasonable person" who finds himself in the same situation would view the matter.

**Recent case:** Jean-Baptiste Edmond, a black man born in Haiti, worked as a registered nurse for the University of Miami. He was fired for alleged poor performance. He sued, alleging that he had really been terminated because of his race. He also said he had worked in a hostile environment.

There was no doubt that Edmond personally believed he had been treated with hostility and disdain. He told the court, for example, that his supervisor made comments about his accent in front of patients and purposely assigned him to work with patients who did not like Haitians.

The court agreed that Edmond felt harassed, but disagreed that a reasonable person in his position would have felt the same way. To win a hostile work environment claim, an employee has to prove that the environment was both subjectively and objectively hostile. One out of two won't do. The case was dismissed. (*Edmond v. University of Miami*, No. 10-15742, 11th Cir., 2011)

**Final note:** Of course, you should demand that supervisors treat everyone with respect, regardless of performance, race, etc.