# When does puppy love become 'scary' harassment?

Who hasn't had a workplace crush? Extra moments chatting in the hallway … stolen glances across the conference table … rerouting your walk to the lunchroom. But when does that friendliness cross the line into the illegal realm of sexual harassment? One court recently ruled that a co-worker who said she felt scared by such attention had enough ammunition to take her case to trial …

**Case in Point:** Joanne Conwright worked as an administrative services manager for a California state agency. Jeffrey Robinson came to her division from a temporary staffing agency.

Conwright said she noticed that Robinson "went out of his way" to walk past her office, appeared at her office door "unannounced and uninvited three to four times a day" and leered and winked at her. According to Conwright, Robinson made her feel "increasingly uncomfortable" and "scared."

Conwright said she reported the situation to Robinson's boss, who allegedly did nothing about the complaint. She then took a short vacation. When she returned, Robinson stopped by and told her, "I thought you would be gone longer. I'm glad your back."

That was enough for Conwright to complain again to Robinson's boss. This time, the boss told Robinson to stay away from Conwright and apologize to her. She accepted the apology.

The end? Not even close.

Within a week, she said Robinson proceeded to "slowly walk by" her office. That was her tipping point. Conwright immediately filed a sexual harassment complaint with the city administrator.

The city responded by denying that Conwright ever made the first complaint to Robinson's boss. The city argued that the lawsuit should be dropped because city officials took immediate action when hearing of her unease.

**Result:** Siding with Conwright, the court sent the case to a jury trial. It said Conwright's allegations in her initial complaint about Robinson were not responded to and that a reasonable jury could find such inaction to be "inadequate." (***Conwright v. Oakland***, N.D. Cal., 1/20/12).

**3 Lessons Learned … Without Going to Court**

**1. Respond to all chirps.** In this case, the employee was mildly "chirping" that she felt "uncomfortable" by a colleague. Even if an employee is not stomping his or her feet, chirping of any problem puts the employer on notice and requires prompt effective action to be taken.

**2. Don't wait for magic legal words.** The court said an employer is on notice and must respond to

employees who state they feel “uncomfortable,” “scared” or even “creeped out.” No need for an employee to use magic legal words like, “I feel my rights have been violated under the Civil Rights Act of 1964 as Amended in 1991” or even “I feel harassed.”

**3. Train all managers.** They need to know when they are put on notice of harassment, discrimination and retaliation, how to properly respond to the employee and how to immediately contact HR. Also, teach them what an “inadequate response” looks like, so they know to avoid it.