

# Rudeness doesn't always equal hostile environment

Just because co-workers can be rude doesn't mean the target of mean comments has a hostile work environment claim — especially when the comments are ambiguous, subject to interpretation and didn't occur repeatedly.

**Recent case:** Romericus was a temp assigned to a Robert Half International call center. The company often hired temps as permanent employees, and Romericus expected he would be offered a permanent job if he performed well.

However, he soon began complaining about co-workers making insulting comments about “fat people” and mocking him because he is gay.

When Romericus did not receive a permanent position, he sued, alleging that the temp agency had retaliated against him for complaining about a hostile work environment.

The court assumed that sexual orientation is a protected characteristic under Title VII — something that is not yet settled law. Even so, the court concluded, Romericus had not demonstrated that he had made a good-faith complaint. Nothing about the co-worker comments established a hostile work environment. Mere subjective comments aren't enough.

Because his complaint wasn't made in good faith, Romericus's retaliation claim failed. (*Stewart v. Browngreer, PLC*, No. 15-31022, 5th Cir., 2016)