

Respond as soon as employee complains about hostile environment

An employee who claims she was forced to work in a hostile environment can win a lawsuit if her employer either didn't have a system in place for reporting the harassment and fixing the problem or if the employee was unable to use the system.

But when the employer responds to the complaint with an investigation and almost immediately fixes the problem, the lawsuit probably won't go far.

Recent case: Jihirasad, who is black and of Ghanaian descent, worked in a medical records department. A co-worker approached her during lunch and launched what Jihirasad claimed was an offensive tirade on her hygiene, hair style, race and other characteristics. Jihirasad complained to HR, which investigated and fired the co-worker within hours.

Still, Jihirasad sued, alleging a hostile work environment.

The court tossed out her lawsuit, reasoning that the employer had a complaint process in place that clearly was effective. (*Addo v. New York Health, et al.*, SD NY, 2017)

Final note: Harassment is in the news these days. Now is a good time for employers to take a close look at their reporting process and how well and how fast they launch investigations and resolve complaints. Employers should also expect more complaints now that it's clear companies in almost every industry have failed to do enough to stop harassment.