

Supervisors must step up when they learn subordinates might have been harassed

Employers aren't expected to create perfectly harmonious workplaces. However, they do have an obligation to use their best efforts to intervene when co-workers harass someone on the basis of protected characteristics.

Recent case: Gerard, who is black and originally from Cameroon, was the only black employee in his division when he was hired at the New York Federal Reserve Bank's technology office.

Trouble began the same day he started, when the white employee taking his ID badge photo allegedly ignored Gerard until all white employees had been served. Then, when Gerard's photo turned out to be unflattering, he asked for a reshoot. He was allegedly informed, "We don't serve black people." He complained to his new supervisor, who allegedly did nothing to get him a new badge.

Then he complained about poor treatment in the cafeteria. Nothing changed.

Ultimately, he was terminated for what he said was a misunderstanding over a Taser and pepper spray he brought to the office in a duffel bag.

Gerard sued, alleging race discrimination. He said his supervisor fixed problems like the badge re-take for other subordinates who were not black. Plus, he argued, other employees who made similar mistakes with contraband hadn't been terminated.

That was enough for the case to go forward. (*Nguedi v. Federal Reserve*, SD NY, 2017)

Final note: While some problems may seem minor, fixing them is the best approach, especially when the problem might have been tainted by prejudice.