

## Having a Discrimination and Harassment Policy is Not Enough to Avoid Potential Liability

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I have urged all employers to have good and thorough policies against workplace discrimination or harassment. However, a recent case filed by the EEOC against a hotel chain shows that having such policies is not enough, it is critical that employers take steps to investigate and prevent violations of the policies.

In that case, a housekeeper at a hotel claimed to have been the recipient of repeated sexual comments, flirtation and inappropriate touching by her supervisor. The employee eventually complained to the hotel manager, who allegedly ignored the employer's policies and instead laughed off the complaint, conducted no investigation, and took no disciplinary action. The manager did not even remove the employee from working for that supervisor.

Later the employee took a day off, which she thought had been approved. The Supervisor claimed she had not approved the time off and terminated the employee.

The EEOC filed suit on behalf of the housekeeper, seeking both compensatory and punitive damages. The EEOC alleged that the hotel failed to take appropriate actions to prevent the harassment, failed to investigate the housekeeper's allegations, and allowed her to be terminated in retaliation for having made a complaint and repeatedly rebuffing the supervisor's advances.

This case shows the importance of not only having robust policies, but of actually following them. Because the manager failed to take actions, in violation of those very policies, he exposed the hotel to liability. Employers should take steps to train any managerial level employees as to what is illegal conduct, what its policies prohibit and require, and the critical importance of taking all allegations of violations seriously and reporting them the very top of the company. Because that manager did not, the owners of the hotel are now facing substantial possible penalties.

Contact Scott Leah at sleah@tuckerlaw.com for information on on steps you can take to take to ensure your employees are consistently and thoroughly carrying out workplace discrimination and harassment policies.