

HR TIP

OF THE WEEK



TOPIC: Title VII - Harassment by third parties towards Company employees/Employer liability.



LEGAL DEVELOPMENT: The EEOC is taking the position in a case currently before the U.S. Court of Appeals for the Second Circuit that employers may be held responsible for negligently failing to take reasonable steps to protect employees from harassment by non-employees, such as customers, non-employees who work at locations near the employee, vendors, or visitors. In this pending case, an employee alleges that she was sexually harassed by a non-employee, who worked for a different employer in the same strip mall. The EEOC argues that the employer may be liable because it did not do enough to address the situation. According to the EEOC, employers should consider practical measures to protect affected employees, such as adjusting work schedules, increasing supervisory oversight during shifts, or installing security cameras.



HR TIP: While the appeals court has not issued a decision, in New Jersey, employers know that they must take prompt and remedial action in response to an employee complaint of harassment, regardless if the accused is an employee or third-party. This case is a reminder to check handbook policies on harassment, and ensure harassment by third parties is covered.



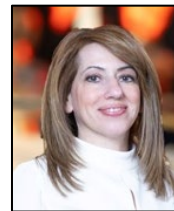
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ABOUT ME

I work with HR and legal on the types of workplace issues that make you do a double take. I've been counseling employers and tackling their employment issues for two decades and going strong. I'm a Partner at Genova Burns and Chair of the Human Resources, Law and Compliance Practice Group.



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