

Hostile Work Environment - Tips for Counties

Ms. Renner worked for her employer for nearly two years before the harassment started. At that time, the work environment changed when one employee started verbally harassing her and a co-worker. Another employee told her co-worker that the abuser did not approve of women in the workplace. About three or four months later, the employer was notified of the verbal harassment, which included making “oink, oink” and barking noises, inappropriate personal comments, and other sexual harassment.

The plaintiff complained to the office manager, and the plant manager, and heard nothing about the result of her complaint. She then complained to her direct supervisor, Mr. Bagshaw, who told her the employee was told not to go near her. Within one week after Ms. Renner’s complaint, the verbal harassment started again. The harassment continued and worsened over a period of nearly 18 months. It was only after another meeting and a stepped-up complaint to managers and the HR director that an investigation was launched.

At that time, Ms. Renner was off work for a death in the family. When she returned, the harassment turned to retaliation for her complaint, with employees calling her “liar, liar” and making rude noises at her. The plant manager told her she could walk outside and around the building to the bathroom to avoid the harassment, but Ms. Renner said this was not viable given her work load. She quit and filed suit.

The court found that the supervisor’s response to her further complaints were “negligible”. The court discounted the attempts by the defendant’s attorney to make Ms. Renner out as a liar, and under the stringent five-part test of proof that the plaintiff was required to meet, the court found the employer had

constructive knowledge of the hostile conditions and failed to protect Ms. Renner from having to quit.

While hopefully situations like this are rare, it is important to take proactive steps to limit the development of a hostile work environment and to respond quickly to any such complaints.

Tips for Counties

1. Investigate promptly all complaints and verify the validity of witnesses’ information.
2. Take prompt action to definitively prevent further harassment or retaliation, even if it ultimately requires removing harassers from their jobs.
3. Inform the complainant that you have undertaken an investigation, whether the complaint was substantiated or not, and whether the respondent was reminded of the policy or warned. Tell the complainant that subsequent behavior is to be reported promptly if it has not stopped.
4. Follow up with all employees, to ensure that all involved understand their obligations to report subsequent harassment or retaliation, and to refrain from that behavior themselves.
5. Document the actions that you have taken, and follow up with more effective discipline if employees do not cooperate or if they are insubordinate.

You do NOT have to tell the complainant if the respondent was ultimately disciplined under Colorado Open Records Act protection for personnel records. For more information, contact at 303-861-0507. 