

## **Discrimination: Employer Took Prompt Action, Lawsuit Dismissed.**

The African-American director of nursing at a rehab facility claimed he was subjected to racial harassment from the facility's director of quality management.

In three of twelve highly charged personal confrontations the alleged perpetrator used racial epithets in speaking to him.

When the director of nursing handed in a written complaint about the incidents the facility's director of human resources immediately assigned an investigator who was told to look into the situation and help the parties resolve their differences.

However, the director of nursing quit abruptly one week later without responding to an e mail informing him what management was doing about his complaint.

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### ***A supervisor's intervention into an employee conflict adds up to the prompt and effective remedial action that is required by the US Civil Rights Act.***

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT  
January 7, 2009

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The US Court of Appeals for the Fifth Circuit ruled that the facility was not liable for racial discrimination.

The facility fulfilled its legal duty to take prompt and effective remedial action as soon as the facility became aware of the problem through the director of nursing's written complaint.

Further, an alleged victim of discrimination is required to take advantage of all reasonable corrective opportunities that are offered by his or her employer, at least to remain eligible to file a discrimination lawsuit against the employer. **Cavalier v. Clearlake Rehab Hosp.**, 2009 WL 33639 (5th Cir., January 7, 2009).