

Same-Sex Sexual Harassment: Court Sees Basis For Suit.

An LPN was terminated after she failed to report or call in to her job at an assisted living community. She filed a multi-count civil lawsuit for sexual harassment, disability discrimination and retaliation.

The allegations of sexual harassment centered on offensive language and physical contact from a lesbian co-worker.

Same-sex sexual harassment is grounds for a lawsuit if it is severe enough to create a sexually hostile work environment.

Offensive sexual language is generally not enough to create a hostile work environment, but unwelcome sexual physical contact generally crosses the line.

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT
January 2, 2007

The US Court of Appeals for the Seventh Circuit could only find evidence to support the sexual-harassment claim and not the other allegations of the lawsuit.

The LPN at least three times complained to her supervisors by naming her co-worker and describing what was happening, yet nothing was done.

The co-worker's sexual innuendo and propositioning were probably not severe enough to create a hostile environment, the court said, but unwelcome sexual physical contact, as a general rule, crosses the line and is grounds for a valid sexual harassment lawsuit. ***Kampmier v. Emeritus Corp.***, ___ F. 3d ___, 2007 WL 6072 (7th Cir., January 2, 2007).