

Sexual Harassment: If Employer Knows, Must Take Action.

The US District Court for the District of Kansas reviewed the basics of co-worker sexual harassment law.

Sexual harassment by a co-worker, if sufficiently severe, can create a hostile work environment for a female employee and is considered a form of gender discrimination.

However, the employer is not required to take action against a co-worker unless the victim's supervisors actually know or realistically should know that harassment is occurring.

Most often that means the victim must expressly report harassment to her supervisor or to higher management, or her rights are forfeit.

In this case the court believed the supervisors must have known about it before it was reported. In most cases, however, the victim is on shaky ground if she has to ask the court to assume that management must have known. Nichols-Villalpando v. Life Care Centers of America, Inc., 2007 WL 28262 (D. Kan., January 3, 2007).