

# Workplace Harassment

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Recent news reports of allegations of sexual harassment by a well-known media mogul have prompted workplace discussions of what does or does not constitute illegal harassment. The

allegations against the media executive are of the most direct type, often referred to as “quid pro quo,” alleging sexual favors were demanded for job advancement.

Less obvious – but more common – discrimination complaints allege a “hostile environment” arising out of sexually-charged comments or other actions by management or co-workers which are unwelcome and offensive to the complainant. Unless particularly egregious, to be legally actionable as sexual harassment the conduct needs to be more than an isolated incident, but rather part of a pervasive atmosphere or repeated course of action. In other words, rarely is

one joke or comment going to rise to an actionable claim.

It is still best practice, however, for employers to respond in a corrective manner even to individual inappropriate actions to prevent them from piling up to the point of creating a hostile environment. It is also important to note that protected class harassment is not just limited to sex, but can apply to different protected classes found in federal and state law such as age, race, religion and others.

At the same time, some employees misuse the terms “harassment” and “hostile environment” when simply unhappy with the conduct of supervisors or co-workers, but the conduct is not related to a protected class. A supervisor who is insensitive or yells at employees who are not performing may not be a good model of human resources management, but that conduct is not illegal harassment.

Where there are legitimate concerns

about behavior which may constitute sexual harassment, it is the obligation of the employer to investigate and take appropriate remedial action. That does not mean the perpetrator must necessarily be terminated from employment, but some effective measures need to be implemented. Dealing with harassment issues can be a complex process, but a good starting point is determining whether the complaint is related to protected class characteristics or more general concerns.

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