

Sex, Power & The Workplace Responding To The Skeptics Q&A: Part 2

April 4, 2018 | [Workplace Culture And Conduct, Currents - Employment Law](#)



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Last week, we ventured into provocative questions surrounding the current emphasis on workplace sexual harassment. Our Q&A series continues: **Why are only rich men being sued for sexual harassment?** When I was presented with this precise question recently, I sensed a healthy dose of suspicion; that is, a tendency to believe that the women making these accusations are engaged in simple money-grab. Perhaps that is true; there are some who overreact to behavior that is neither severe, nor pervasive. But, our collective experience reveals that there are more likely to be other reasons for the accusations. Justice. Vindication. Fatigue. A sense that someone will listen. Regardless of the reasons behind the accusations, I disagree that only “rich men” are targets. It certainly may *appear* that only rich men are being accused of or sued for sexual harassment. But, the headlines only tell *part* of the story. Sexual harassment allegations include a wide swath of accused harassers—rich and not rich, executives and rank-and-file workers, companies and individuals. Most employment lawyers assist organizations in which those accused of creating a hostile environment are not the rich men in the company. But, they’re not the ones that generate the newsworthy headlines. Under Title VII of the Civil Rights Act of 1964, the federal law that prohibits sexual harassment, *employers*--not individual employees--are legally responsible. Companies are sued for allowing harassment to occur in their workplaces. Individual employees are not personally liable under federal law. But, local laws are different. For example, the City of New York has human rights laws that place responsibility on *individuals*. So do many states. Plaintiffs’ lawyers are tightening the pressure on individual employees by suing them for violations of state and municipal laws, and tort claims. Individuals accused of misconduct may face civil or criminal penalties under local laws for harassment, assault, battery, defamation, and interference with contract. Adding those state-law claims increases one’s bargaining power. It is true that the headlines disproportionately focus on the men who are being accused of the misconduct. Sometimes, those men face individual responsibility; sometimes they don’t. Additionally, it is worth noting that the “rich men” accused of misconduct also have acquired power. Sexual harassment is often an abuse of that power. Good questions. I look forward to more.

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