

Choose Your Words Wisely

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In *Figueroa v. Village of Melrose Park*, a former female probationary officer filed a lawsuit alleging gender and race discrimination. Of relevance to this post, the plaintiff's police chief expressed concern that she would be a liability because the plaintiff would be unable to defend herself in a confrontation with a "200-pound man." In denying summary judgment, the district court held that this remark amounted to direct evidence of gender discrimination. While some may argue that the remark was nothing more than a "real world" observation, no one can deny that it was tied to the officer's gender. Employers need to be aware that even seemingly innocuous remarks can end up creating big problems down the road. Comprehensive EEO training is an important tool employers can utilize in order to ensure such comments are not made in the workplace.

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