



Fifth Circ. Invites Bias Suits Over 'Horseplay,' Lawyers Say

News

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New Orleans Partner Tim Scott was quoted in the October 1 *Law360* article "[5th Circ. Invites Bias Suits Over 'Horseplay,' Lawyers Say.](#)"

The article reported on a recent 5th Circuit decision reinstating a U.S. Equal Employment Opportunity Commission victory in a male-on-male sexual harassment case.

The case involved an iron worker who was allegedly subjected to vulgar verbal and physical harassment by his supervisor for not being manly enough.

The decision lowers employers' defenses against workers who claim they were harassed by same-sex colleagues based on gender stereotypes and brings into light concerns that workplace horseplay unrelated to sexually motivated bias may inspire Title VII claims.

"The difficulty that employers are going to have is trying to recognize what kind of conduct is violative of company policies, and ultimately the law. It's never been a bright-line set of standards, and this muddies the waters even further. Basically, any kind of horseplay along these lines can expose you to liability."

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