



Sticks and Stones

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"Sticks and stones may break my bones, but words will never hurt me."

Lawsuits over insults and slurs in the workplace have proliferated over the last few years. Much of this is outgrowth of litigation over sexual harassment. Early litigation over sexual harassment claims usually involved allegations of egregious misconduct. Eventually, however, employers got the message and began to regulate employee conduct. As a result, the grabbing and groping, crass propositions, and sexual exploitation that were the stuff of early sexual harassment lawsuits now hardly ever appear in litigation. But a vast and very lucrative enterprise of lawyers, academics, consultants and government bureaucrats grew up to fight harassment, and after they were successful in eradicating its more blatant forms they simply expanded the definition of the term "harassment" in order to ensure that they would remain busy. As a result, many harassment lawsuits today are based on slurs and insults-and even just insensitive comments-by coworkers, rather than sexual propositions by the boss. This provides a daunting challenge to employers as they must police the conduct of their employees to ensure not only that they do not launch slurs and insults directly at one another, but that they also refrain from making comments that others might overhear and find offensive.

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