

Can Sexual Orientation Talk Spark Harassment Claim?

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A common misconception among managers is that current events are fair game for office discussion and that companies shouldn't - or can't - prohibit employees from talking about them. Many companies learn the hard way this is incorrect - like the one that became embroiled in a sexual harassment lawsuit after employees discussed the Clinton-Lewinski scandal in graphic detail. Oregon employers over the next several months are bound to deal with the topics of same-sex marriage, gay rights and civil unions. The potential for harassment claims cannot be overlooked.

The savvy human resources manager will understand any office discussion that ventures toward criticism of "the gay agenda" or same-sex couples in general has the potential of violating company policy and state law. That's because the courts have already permitted sexual orientation discrimination claims to be brought under existing law, and therefore criticism or harassment of gay employees could lead to lawsuits well before this law makes it on the books.

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