

DON'T UNDERESTIMATE VALUE OF PROMPT, THOROUGH INVESTIGATION

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There is hardly a workplace left today where managers are not at least aware of the complicated and costly problems created by even a single incident of sexual harassment. Despite the large numbers of policies and preventive measures in place, employees continue to sue employers for harassment and retaliation in ever increasing numbers.

A prudent hospitality employer recently avoided significant potential liability by conducting a prompt investigation of an employee's complaint of misconduct by a supervisor and by properly documenting it, even though the employer suspected the employee was not acting in good faith. In *Williams v. Ocean Beach Club, LLC d/b/a Gold Key Resorts, No. 2:11cv639* (E.D. Va. 09/25/12), the court granted summary judgment to the employer on a complaint filed by Sandra Williams against her former employer, Gold Key Resorts. She claimed that she was fired in retaliation for complaining about sexual harassment by her supervisor. Gold Key, which manages timeshare resorts, argued that Williams' internal complaint about harassment was not protected activity and that she had legitimate attendance issues that led to her termination.

Even if she had established a case of retaliation, the court held that Gold Key would still be entitled to summary judgment because the evidence showed that Williams was fired for repeated unexcused absences, and that she failed to provide evidence that Gold Key's reasons for her termination were "unworthy of credence."

No employer enjoys listening to employees complain about the working environment. Employers are also rightfully

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skeptical about some employees' motives when complaining. However, hearing and investigating complaints, especially about harassment, is important - even from those employees whose motives you question.

It is important to remember that some employees have legitimate complaints, and that a thorough investigation offer employers a chance to uncover the facts and take remedial action before a more severe or pervasive problem develops.

Even complaints from chronic or suspect complainers allow employers to discover and eliminate problems and demonstrate to your good employees - and perhaps a court - that you take your obligations seriously.

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