



Does It Smell Like A Lawsuit?

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Most business owners, managers and human resources professionals know that it stinks to get sued by an employee. But in some cases, it's the actual "stink" itself that leads to a discrimination lawsuit.

Portland city officials learned this lesson recently when they were served with a lawsuit by an employee claiming that odors in her workplace were causing her physical problems and emotional distress. Whether they can rid themselves of the stench of a discrimination claim will now be decided in court and maybe by a jury.

Julee Reynolds has been employed by the city's Bureau of Maintenance since 2009, working in a confined office space with other co-workers. In her lawsuit, she claims to suffer from Multiple Chemical Sensitivity (MCS), a somewhat controversial medical condition. It's triggered by scented products like perfumes, colognes and lotions that can cause respiratory problems, nausea, headaches and other allergic reactions.

In her lawsuit, Reynolds claims that in 2010 one of her co-workers wore a scented product that triggered a severe reaction; she obtained a doctor's note that described potential workplace exposure as "life-threatening" and brought it to her supervisors. She then claims that over the next several years she attempted to work with her bosses to figure out a solution to her problem but didn't get the relief she was seeking. Reynolds filed a disability discrimination lawsuit a few weeks ago and says that she has suffered so much anxiety and distress at work that she is entitled to a payout of over \$50,000 from her employer.

What's certain is that employers should treat any complaints of this nature seriously. As with any other complaints about workplace irritants or exposure to potentially unsafe conditions, investigate immediately to determine whether corrections need to be made. If the exposure is causing an unsafe working environment, the situation could trigger an Americans with Disabilities Act claim, and generate involvement by OSHA.

If an employee is still bothered by personal scents, explore whether the employee can be moved to a more isolated work area, or allowed to interact more often via electronic means to alleviate the impact of personal interactions. Although it might stink to have to go through this effort, avoidance of a lawsuit can leave one smelling like roses.

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