

Insights, News & Events

WHAT EMPLOYERS CAN LEARN FROM THE LIZZO LAWSUIT: 3 TIPS TO AVOID HOSTILE WORKPLACE ALLEGATIONS

Insights
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Singer-songwriter Lizzo was all over the headlines last week — but not for one of her latest hit songs. Instead, the Grammy-award-winning entertainer was sued by three former dancers asserting various claims, including hostile work environment and discrimination. While Lizzo and her brand denied the allegations, the situation is a cautionary tale for employers and serves as reminder that you “gotta be great” when it comes to providing a safe and respectful work environment free from harassment, discrimination, and retaliation. Here’s what you can learn from the recent lawsuit against Lizzo and three tips for avoiding hostile workplace allegations – even if you’re not in the music industry.

“Truth Hurts”: An Overview of the Claims and Lizzo’s Response

Three of Lizzo’s former dancers filed a lawsuit on August 1 in California state court alleging claims of hostile work environment, religious harassment, racial harassment, and disability discrimination. Specifically, the dancers allege that, during their time with Lizzo, they were forced to engage in daily prayer, listen to co-workers discuss their religious beliefs regarding premarital sexual relations and other sexual acts, and listen to discussions of sexual encounters on a regular basis. Moreover, one of the dancers alleges that she was forced to touch a nude performer during a visit to a nightclub with Lizzo while on tour.

Another former employee alleges that she had disclosed during a medical examination that she suffered from anxiety, depression, and binge-eating disorder, and that her anxiety

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Sheila M. Abron

Partner

803.740.7676



Lauren G. Goetzi

Partner

202.429.3709

was exacerbated during a rehearsal when she believed she could not leave the stage. The dancers also generally allege that Lizzo – who is known for emphasizing body positivity — engaged in “fat-shaming” and chiding dancers for perceived weight gain.

Lizzo **responded** to the allegations on August 3, saying they were “false,” “outrageous,” and “sensationalized stories.” Moreover, she stated that the dancers were “former employees” who had “publicly admitted that they were told their behavior on tour was inappropriate and unprofessional.”

So, what can the average employer learn from this high-profile complaint?

Making Sure Employees Feel “Good as Hell”: 3 Tips to Avoid Hostile Workplace Allegations

Taking a few key steps now can help you avoid potential hostile work environment claims — such as revisiting your policies, making updates as needed, and regularly training your workforce on policies and complaint procedures. This will help you create a safe and respectful work environment and ensure you are in the best position to successfully defend against hostile work environment claims. Here are three specific steps you should consider incorporating into your practices:

- 1. It’s About That Time – to Update Workplace Policies:**
Ensure you have up-to-date work environment policies. At a minimum, work environment policies should prohibit employees from harassing or discriminating against individuals based on race, age, gender, religion, sexual orientation, disability, or protected activity. This includes prohibiting behavior that creates an environment that is intimidating, hostile, or offensive to reasonable people and prohibiting retaliation against those who complain about discrimination or harassment. Moreover, your policies should let employees know who in the company to inform about any potential violations, including their relevant contact information. This may include notifying a manager or human resources representative or making a telephone or online submission for an anonymous complaint. You should note that work environment policy requirements will vary depending on your location and industry, so you should work with experienced counsel to develop policies that meet your company’s needs.



Emily N. Litzinger

Partner

502.561.3978

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- 2. Tell It Straight to My Face — Train Employees:** Ensure you are regularly training employees on work environment, discrimination, and retaliation policies. To be effective, employees must be aware of the policies, what conduct they cover, and the method(s) of filing a complaint. Several of the allegations lodged against Lizzo involve a supervisory employee who the dancers claim created a hostile work environment. Employers can be directly liable for the wrongful conduct of supervisors and managers – so it is key to train managers and supervisors on your workplace policies and how to enforce them. A best practice is to update policies and provide training at least on an annual basis and/or whenever there are significant changes. This training should include not only information regarding the policies and procedures but *how* the supervisors should conduct themselves in the workplace and how they should respond to claims of harassment and discrimination.

- 3. Keep Tempo — Promptly Investigate All Complaints:** Employers that receive complaints are entitled to certain defenses when they promptly investigate and resolve the situation (or when they do not receive additional complaints to indicate that they did not resolve the situation). Accordingly, you should ensure you have systems in place to address any complaints and to ensure they are properly and promptly investigated. Employers that receive harassment complaints, including complaints that employees are imposing their religious beliefs on others or are “oversharing” their sexual escapades, should promptly respond. Specifically, you should consider designating one or more representatives to receive and handle harassment complaints to ensure continuity in processing across the organization. You should conduct a thorough investigation that includes interviewing all of the involved parties and reviewing any video footage or other documentation. After reviewing all of the evidence, you should consider what response is warranted, including discipline, moving an employee to a different work group or location, or even termination. You should also ensure that the investigation and any decisions are thoroughly documented to best position yourself for any future litigation.

Conclusion

If you need any assistance updating your policies or your complaint procedures, contact your Fisher Phillips attorney

or the authors of this Insight. Make sure you are signed up to [Fisher Phillips' Insight System](#) to receive the latest information directly to your inbox.