

WORKPLACE HARASSMENT AND DISCRIMINATION

Employment Law Lawyers Assisting Clients and Their Businesses

One of the largest areas of potential legal exposure for employers is harassment and discrimination claims. Although discrimination certainly exists and should not be tolerated, many employers face allegations of "harassment" and "discrimination" against employees simply by enforcing "neutral" employment policies. Employees who are the recipients of legitimate workplace criticism often claim to be "bullied" or the victims of a "hostile work environment." At Kaplin Stewart, we help protect employers from disruptive and damaging harassment and discrimination claims. We work with employers when faced with employee claims, guiding employers through the investigation, discipline, workplace resolution process, and any litigation which results.

Representative Case Work

Termination of employee for performance after report of alleged "hostile work environment"

An underperforming employee was given mediocre performance reviews, but supervisor did not give a completely honest review in order to avoid "discouraging" the employee. The employee finally realized that she was not well regarded and had been caught making multiple mistakes in her work, and the employee filed a claim of "hostile work environment" with Human Resources (HR) manager. Kaplin Stewart counseled the employer on how to investigate the employee's claim and how to obtain the employee's admission of her mistakes to permit termination with minimal risk of a future claim by the employee.

Attendance issues with employees on Family and Medical Leave Act (FMLA) leave

Employers often face uncertainty, staffing problems, and morale issues when employees are permitted to take FMLA leave for medical conditions that arise sporadically. Those issues are compounded when the employee taking leave has created problems or had attendance issues in the past and doctors often readily excuse employees from work without providing any substantive information justifying the need for leave. Kaplin Stewart regularly counsels employers on issues related to the management of FMLA and investigation of FMLA abuse.

Investigation of harassment claim against supervisor in former consensual relationship with subordinate employee

A female employee reported alleged harassment to HR, stating that her male supervisor has been asking her on dates and sending her inappropriate text messages. Kaplin Stewart conducted an internal workplace investigation including witness interviews and a review of workplace surveillance tapes. In response to the investigation, the female employee admitted that she and her supervisor were in a consensual relationship and the female employee claimed harassment after supervisor terminated that relationship. Our Employment Law group handled terminations of both employees for failure to follow company policy and conducted management training regarding appropriate supervisor conduct and the obligation of supervisors to protect employers from liability.

Defense of age discrimination claim after employee announces "retirement"

An employee announced his retirement from longtime position of employment. The employer accepted the retirement notice, planned a "retirement party" for employee, and interviewed candidates to fill the retiring employee's position. The retiring employee changed his mind and asked for his job back. The employer refused as the company had made alternate staffing arrangements and adjusted workload responsibilities. The employee sued for age discrimination and our Employment Law group successfully defended the employer in proceeding before the Equal Employment Opportunity Commission.

Resolution of multiple co-worker dispute where employee made racially insensitive remarks

An employee made multiple racially insensitive remarks, which the employee stated were simply her repetition of insensitive remarks made by third persons not employed by the employer at issue. Multiple employees overheard the insensitive remarks and reported those remarks to management, claiming that the remarks made them uncomfortable and unwilling to work with the employee who made the remarks. Kaplin Stewart conducted an investigation of the remarks and led a workplace dispute resolution process by which all employees had the opportunity to voice their feelings and workplace relations were restored without any terminations or subsequent lawsuits.

Litigation of "national origin" discrimination claim where employee claimed discrimination on the basis of prejudice and dislike between foreign nations

An employee reported discrimination by his supervisor, claiming that the supervisor was from an African nation which had a reputation for being hostile toward citizens from the reporting employee's Central American nation. The reporting employee filed a discrimination charge with the Pennsylvania Human Relations Commission claiming to be the victim of discrimination on the basis of national origin. Kaplin Stewart successfully defended the employer.

Investigation of religious discrimination claim where employee accepted job offer knowing that she would be required to work on days she observed the Sabbath

Employee accepted a job offer after being told that the job would require her to work weekends and evenings because of the nature of the employer's business operations. After accepting the job, the employee demanded to have every

part of every weekend off so that she could attend religious services. Kaplin Stewart counseled the employer regarding communications with the employee to protect the employer against a discrimination claim.

Types of claims handled on behalf of employers:

- Family and Medical Leave Act
- Sexual discrimination and harassment
- Age discrimination
- Disability discrimination
- Racial discrimination
- National origin discrimination
- Religious discrimination

Contact an Employment Law Attorney Today

The attorneys in our Employment Law group take pride in delivering high quality, comprehensive representation to employers throughout the region and beyond. If you have questions about our firm's services or are seeking legal counsel in connection with an employment law matter, we encourage you to schedule an appointment with a member of our Employment Law team.

Learn how our attorneys can help you advance your business objectives. We service businesses and other entities with offices in Philadelphia and Blue Bell, Pennsylvania as well as Cherry Hill, New Jersey. Contact us online or by phone at 610-260-6000 today to arrange a consultation.