

## SLAP ON FEMALE POSTERIOR LEAVES HAND-PRINT BUT NOT SEVERE ENOUGH FOR SEXUAL HARASSMENT CLAIM



A court ruled that a male manager who spanked his female worker on her backside was not guilty of alleged sexual harassment. Sandra Williams, an in-house sales associate for a time-share management company, sued saying that she was slapped so hard that it left an imprint on her buttocks. Under normal circumstances the male manager would certainly have been pulled up and penalized severely. What then were the reasons, her allegations did not find favor with the court? Her earlier relationship with the male manager and the company's reaction influenced the court's decision. Internal investigations revealed that she never had any problems with him before and she herself agreed that she had never seen him behaving inappropriately with other female employees, nor had he touched her inappropriately. Moreover, she agreed that the slap was not sexual in nature nor was it Griffin's intention to harm her. This, the court believed was an isolated one-off incident that did not call for any serious penalization apart from a teachers wrap on the knuckles. The company, too behaved in a very responsible manner and were not lax with Williams complaints. They immediately initiated an internal investigation and disciplined the manager for his actions. However, much to Williams' chagrin the internal investigations revealed that the manager's behavior was inappropriate but did not merit any serious disciplining and that it was not in violation of the Company's harassment policy. Griffin said that his spanking her bottom was a spontaneous triumphant reaction to her successfully pulling off a tricky sale. Apparently it was "in celebration of her closing a particularly difficult sale." Williams however, begs to disagree. She says that she found it offending and embarrassing. Although she agrees that it was not sexual she also questions whether he would have smacked a male worker on his posterior? I don't think he would, she opined. Williams timing of her complaint also raises many questions as prior to her making it the company had raised questions about her irregular attendance. A couple of months later, she not only failed to report for work but did not even inform the company of her absences, which was in infringement of the company's policies. The company terminated her, citing her absences as the reason, while she alleged that her firing was in retaliation for making an issue out of the slapping incident. The court granting the employer's motion for summary judgment concurred that the internal complaint made by the lady was not protected activity as the posterior-slapping incident was a one-time occurrence that did not fall under sexual harassment, hence was not protected under Title VII. Moreover, she was not fired in retaliation; neither did that particular incident have anything to do with her firing as she was fired for her attendance issues. What this case means and what everyone should take from this is that, not every inappropriate conduct, though not even the smallest misconduct should ever be condoned, is an actionable harassment and taking such matters to court is wasting your time and money and also the court's time. But employees, especially male employees must understand that inappropriate behavior is well inappropriate and should be avoided at all costs – and touching females is certainly not accepted behaviour and 'spanking buttocks' is certainly trespassing into dangerous territory. More importantly, employers who take urgent cognizance of a worker's complaints and install investigations and initiate disciplinary action can prevent such complaints from falling under protected activity.