

COMPANY ORDERED BY JUDGE TO IMPLEMENT PROCEDURES FOR PREVENTING HARASSMENT



Prospect Airport Services, Inc., a provider of wheelchair assistance services to airline passengers, has been ordered to take measures to prevent sexual harassment. The federal judge's order stems from the company's refusal to prohibit such harassment as part of a lawsuit settlement. The lawsuit in question concerns a male employee's allegations that a female co-worker was sexually harassing him. The man began receiving sexually suggestive notes from the woman in 2002 while working for Prospect at the McCarran International Airport in Las Vegas. According to the EEOC, the man, whose wife had died just the year before, rejected the advances and informed the general manager who did not take the reported harassment seriously. At the time, the company had no policy for handling such an issue. The harassment reportedly continued, with the female co-worker giving the man a partially nude photo of her and making lewd gestures. She allegedly asked others to approach the man on her behalf, and his persistent rejections eventually led to offensive comments from co-workers regarding his sexuality. The EEOC claimed that the woman's advances continued on a near-daily basis for a year and, despite numerous complaints to management, only ended when the man resigned in 2003. The former employee took his concerns to the EEOC, which, following an attempt to settle the matter prior to litigation, filed suit in 2005 in the U.S. District Court for the District of Nevada. The lawsuit alleged sexual harassment in violation of Title VII of the Civil Rights Act. Summary judgment was granted in favor of the company in 2007, but the decision was overturned on appeal three years later, as the appeals court believed that a jury might find in favor of the EEOC. Prospect, however, agreed to a monetary settlement of



\$75,000 – but would not agree to additional relief for the prevention of future harassment.

The judge's order enjoined Prospect from further Title VII violations relating to sexual harassment for a five-year period. The company was also ordered to implement a policy and procedures for handling reports of sexual harassment; create an investigation process for all sexual harassment complaints; effect appropriate disciplinary measures for management and human resources staff who fail to comply with such procedures; and provide annual training on sexual harassment to all supervisory employees. The EEOC will monitor the company to ensure compliance with the order, which affects over 4,000 workers. Anna Y. Park, regional attorney for the EEOC's Los Angeles District Office, including Nevada, said that the court's response "has spoken to affirm the importance for all employers to have effective policies and procedures in place to prevent discrimination in the workplace." She added that "a strong policy, meaningful training and a swift response to complaints help to contain an existing hostile work environment or to prevent one from arising." "Sixteen percent of all sexual harassment charges at the EEOC last year were filed by men," said Adriana Lopez, acting local director for the EEOC's Las Vegas Local Office. "The law protects both men and women from sexual harassment at work, and it is the employer's obligation to actively prevent and correct such problems as they arise in the workplace."

The EEOC petitioned the district