

Play the Hand You're Dealt

Sexual harassment claims often come from things you can't fully control. A rouge supervisor. An on-the-side workplace romance that goes bad. On top of that, you can't pick the employee who gets harassed and turns plaintiff.

The plaintiff's background, I think, can make or break a case—just look at [O'Dell v. Wright](#). The plaintiff testified that she had been abducted and sexually assaulted when she was 5 years old. She also said that her supervisor had barraged her with lewd comments and touched her twice. A Fort Worth jury awarded \$425,000 for the plaintiff's mental anguish alone. And the appellate court let the jury verdict stand.

Let's talk about what you can control. A few simple steps will help keep you away from angry juries and preserve your defenses against higher damage awards. You can:

- Avoid a runaway jury by implementing an arbitration policy or jury waiver agreement for your employees;
- Have a solid discrimination and harassment policy;
- Train your employees on your policies; and
- Investigate any reports of harassment and respond appropriately.



Alan Bush
281.296.3883
abush@bush-law.com

Bush Law Firm
bush-law.com

HR Risky Business

For more insight into how solid HR practices impact your company's strategic operations, visit Alan's employment law blog at hrriskybusiness.com.

[Arbitration](#)

[Disparate Treatment](#)

[Employee Handbook](#)

[Employee Manual](#)

[Federal Discrimination and Harassment Law](#)

[Harassment](#)

[Sexual Harassment](#)