

SIGNIFICANT SUPREME COURT RULINGS

Burlington Northern Santa Fe Railway vs. White, 2006 (Retaliation for civil rights complaints)

After Ms. White complained of sexual harassment she was removed from forklift duty to standard laborer tasks within the same job description at the same pay. Later, she was suspended without pay for 37 days but was later reinstated with back pay. She sued, alleging retaliation. The Supreme Court ruled that prohibited retaliation can include actions on or off the job, employment related or non employment related, whether or not there is a loss of pay, so long as the action could dissuade a reasonable worker or job applicant from making or supporting a charge of discrimination.

Davis vs. Monroe County Board of Education, 1999 (Peer or student to student harassment)

The Supreme Court ruled on a state of Georgia case regarding sexual harassment of a fifth-grade schoolgirl by her peers. The Court ruled that if school officials knew about the harassment but were “deliberately indifferent,” the school district was liable under Title IX.

Faragher vs. Boca Raton, 1998 (Policy and complaint procedures must be made known)

A lifeguard in Boca Raton, Florida was sexually harassed on the job but never complained because she was unaware of the city’s sexual harassment policy during her 5 years of work there. The lifeguard filed suit after she left her job. The Court ruled in her favor indicating that she was protected under Title VII because the company did not make their sexual harassment policy and avenues for recourse known to employees. Management must go beyond just having a policy; they must make reasonable attempts to inform employees (and students).

Oncale vs. Sundowner, 1998
(Same sex harassment)

A man who was an oil rig worker in the Gulf of Mexico came close to being raped by fellow male workers. The rig worker complained to management who said essentially “boys will be boys”. The Court ruled that same sex harassment can be a legitimate claim under Title VII and that management had a responsibility to stop the harassment.

Burlington Industries vs. Ellerth, 1998
(Hostile environment is not acceptable)

A female employee endured a sexually hostile environment from her supervisor. Even though he never followed through on his threats and there were no tangible job repercussions, the Court ruled in the complainant’s favor.