

Another Use for Good Sexual Harassment Investigations

Employees accused of sexual harassment can file lawsuits too. In [*Jackson v. Cal-Western Packaging*](#), an employee who was fired for sexual harassment tried it. He denied harassing anyone and said the company really fired him because of his age.

But the federal trial and appellate courts for Houston chewed up the lawsuit and spit it out. The company explained it tried to treat the accused employee fairly, yet believed the accusations. After all, it had reports from several employees and two different investigations that all said the employee was guilty. The employee could not get around that explanation for firing him with just his own word that he didn't do it. He had nothing to show that the company's decision to trust the reports and two investigations was unreasonable or in bad faith. No evidence, no lawsuit.

Look closely, there's a subtle warning for companies here: Don't haul off and immediately fire an employee accused of sexual harassment. You're creating another lawsuit. Even if it seems easier, resist the urge to make a snap judgment. Stop, separate the accuser and the accused, and do a proper neutral investigation. In my opinion, this company went above and beyond the call of duty by investigating the harassment allegations twice. One good investigation can be enough. You'll then have a reasonable basis for your decision and can defend it in court.



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