

## Same-Sex Sexual Harassment: Court Sees Basis For Suit.

An LPN was terminated after she failed to report or call in to her job at an assisted living community. She filed a multi-count civil lawsuit for sexual harassment, disability discrimination and retaliation.

The allegations of sexual harassment centered on offensive language and physical contact from a lesbian co-worker.

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***Same-sex sexual harassment is grounds for a lawsuit if it is severe enough to create a sexually hostile work environment.***

***Offensive sexual language is generally not enough to create a hostile work environment, but unwelcome sexual physical contact generally crosses the line.***

UNITED STATES COURT OF APPEALS  
SEVENTH CIRCUIT  
January 2, 2007

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The US Court of Appeals for the Seventh Circuit could only find evidence to support the sexual-harassment claim and not the other allegations of the lawsuit.

The LPN at least three times complained to her supervisors by naming her co-worker and describing what was happening, yet nothing was done.

The co-worker's sexual innuendo and propositioning were probably not severe enough to create a hostile environment, the court said, but unwelcome sexual physical contact, as a general rule, crosses the line and is grounds for a valid sexual harassment lawsuit. ***Kampmier v. Emeritus Corp.***, \_\_\_ F. 3d \_\_\_, 2007 WL 6072 (7th Cir., January 2, 2007).