

Sexual Harassment Patient Nurse Aide

A home health aide was sexually harassed by the elderly son of an even more elderly home health client. He made suggestive comments to her over a period of five months.

When he groped her and asked for sex, the aide phoned her office to complain. A nurse immediately came out to the home, replaced her and let her leave, before the end of her shift that same day.

Generalized fears of repercussions for informing an employer of harassment in the workplace do not constitute reasonable grounds for an employee's failure to raise a complaint.

Employees must accept some degree of responsibility, or it is difficult to see how the law's deterrent purposes are to be served.

An employer cannot combat harassment of which it is unaware.

UNITED STATES DISTRICT COURT,
NEW YORK, 1999.

The U.S. District Court for the Southern District of New York noted that sexual harassment of a caregiver by a client or client's family member is the caregiver's employer's responsibility. The employee can sue if the employee reported it and the employer failed to investigate and take prompt and effective remedial action.

When an employee waits an unreasonable time to report sexual harassment it is not the employer's fault, and the employee's right to sue her employer falls by the wayside. **Hylton v. Norrell Health Care of New York**, 53 F. Supp. 2d 613 (S.D.N.Y., 1999).