

Eighth Circuit: Supervisor Physically Preventing Employee from Leaving Office does not Amount to sex Discrimination or Harassment

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The employee, a female graphic designer, was working with her male supervisor when the two got into an argument. The supervisor began screaming and cursing at her, and when the employee attempted to leave, her supervisor put his hand on her multiple times and physically prevented her from leaving for some time before finally letting her go.

Days later, the employee reported the incident to her supervisor's boss and to a human resources representative, but no disciplinary action was taken against the supervisor. Thereafter, the employee submitted her notice of termination and filed claims against her employer and supervisor alleging sex discrimination, sexual harassment, constructive discharge, and retaliation. The district court granted summary judgment in favor of the employer on all counts. The employee appealed. On appeal, the U.S. Court of Appeals for the Eighth Circuit [upheld the district court's ruling](#) in favor of the employer. In rejecting the employee's sex discrimination and retaliation claims, the Eighth Circuit found that the employee suffered no "adverse action" as she was not terminated, did not lose benefits, and her job duties did not change. The Court also noted that the employee did not receive different treatment because of her sex. In addition, the Court found that the supervisor's behavior during the incident did not constitute severe or pervasive sexual harassment, nor could it constitute "intolerable working conditions" for the employee's constructive discharge claim to stand. While the 8th Circuit ultimately found in favor of the employer, this case serves as a reminder for companies to review employment policies and practices regarding conduct that may give rise to a sexual discrimination or harassment claim.

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