

(The owner of the regional airline informally surveyed the other mechanics about the new employees. They emphatically stated, "We don't want to work around women!" In addition, the owner noted that state law requires separate restrooms for each sex, and that there was only one restroom in the shop. Building another restroom would require a large expenditure, and the space wasn't available.)

BFOQ warranted? YES ☐ NO ☐

Why?

Women's High School Basketball Coach Coed high school looking for proven female basketball coach. Head coaching experience needed; ability to work with young women 14–18 years old is important. Need at least an undergraduate college degree.

Apply in person at

Pasadena High School

Main Street

Pasadena, TX

BFOQ warranted? YES ☐ NO ☐

Why?

A final question: Is it legal for publishers to place ads in the paper on the basis of sex, such as "Help Wanted—Male" and "Help Wanted—Female"?

Application Case 3-1 Sexual Harassment Cases Are Becoming More Complex

Although most companies have detailed policies against sexual harassment, employers often find themselves in a difficult pinch when it comes to defining, proving, and disciplining sexual harassment in the workplace. Thus, companies deal with complaints in vastly different ways. For example, retaliation against workers who complain about sexual harassment is an issue that had better be addressed since the Supreme Court has stepped up its concern.

"There are obviously laws against harassment, but defining exactly what that is hard, and so is applying those laws to a particular set of facts and deciding what a company does about it," said Ron Peppe, a vice president of the Association of Corporate Counsel in Washington, DC, an umbrella group for lawyers who work for in-house legal departments. "So it's a gray area sometimes, because there are no hard-and-fast rules."

Indeed, the sexual harassment policy at Caritas Christi Health Care, which has received reports from at least 10 women that its president allegedly sexually harassed them, appears straightforward. Its definition of harassment includes "sexually charged looks and gestures" and "unnecessary touching of an individual," such as hugging, both of which are complaints made about Haddad. Its "progressive discipline policy" includes written warnings, suspensions, and termination.

Despite the explicit enumeration of acts that would be considered harassment, the alleged harasser disputed that his behavior was sexual harassment, describing the gestures instead as innocent reflections of the culture in which he was raised.

"Sexual harassment is such a messy area," said Jay Shepherd, a Boston lawyer who specializes in employment law and teaches sexual harassment training courses for employers.