

Alleged Victim Of Sex Discrimination Recovers \$13 Million

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Earlier this month, in the case *Robertson v. Hunter Panels LLC et al.*, a Pennsylvania federal jury awarded a female employee \$13 million after finding that she had been a victim of harassment and gender discrimination. During the six-day trial, members of the jury heard evidence that the plaintiff had earned significantly less than the male who previously occupied her position. There was also evidence that the plaintiff's supervisors had belittled her in front of other employees. Finally, there was evidence that when the plaintiff tried to report incidents of harassment and discrimination, management described her as "losing her mind" and "throwing fits." The plaintiff testified that she was ultimately terminated shortly after commenting to an HR specialist that the company had incessant gender discrimination issues. While the large damage amount alone makes *Robertson* interesting, the case also offers at least three (though likely several more) important reminders for employers: **First**, it is not enough for employers to have policies precluding unlawful discrimination and harassment. Employers must enforce their policies, and they must do so on a consistent basis. **Second**, if an employee reports that he or she has been unlawfully discriminated against or harassed, the employer must take the allegations seriously and investigate. Any investigation should be thoroughly documented in case the employer must later show the steps it took to address allegations of discrimination. In *Robertson*, it is likely that the employer's dismissive attitude towards the plaintiff ultimately contributed to the jury's large damage award. **Third**, a jury will not hesitate to severely punish an employer that it believes behaved unjustly. It is important to keep in mind that in *Robertson*, only around \$500,000 of the \$13 million award was for the plaintiff's actual losses. The remaining \$12.5 million in damages were punitive, meaning they were for the express purpose of punishing the employer. Whether on appeal this award will ultimately be upheld is questionable. Nonetheless, the point remains that a jury more often than not will have an easier time identifying with the employee than it will with the employer. So if a jury believes that an employer mistreated or acted unfairly towards an employee, it will be much more inclined to punish that employer by imposing a devastating amount of punitive damages. Such was surely the case in *Robertson*.

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