



County Technical Assistance Service

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Employer Strict Liability

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Employer Strict Liability

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An employer always will be held liable for unlawful workplace harassment by a supervisor that results in a tangible employment action. It is therefore important to determine who is considered to be a “supervisor.”

1. A supervisor is one who has authority to undertake or recommend tangible employment actions affecting the employee. As long as a person’s recommendation is given substantial weight, the person does not have to be the final decision maker; or
2. A supervisor is one who has authority to direct the employee’s daily work activities. Directing an employee’s daily work activities includes the authority to increase the employee’s workload or assign undesirable tasks, and not simply relaying other officials’ instructions regarding work assignments. However, direction of only a limited number of assignments, such as someone who coordinates a work project of limited scope, is not a “supervisor.”

Sometimes an employer can be held liable for the actions of a supervisor who does not have actual authority over the employee, if the employee reasonably believes that the harasser has such power. If the harasser has no direct authority, and there is no reasonable belief that such authority exists, then the employer’s liability for harassment will be the same as for harassment by a co-worker.

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