

You don't say: Foul-mouthing isn't always fireable

In a recent California Supreme Court case involving the writers and producers of "Friends," the highly successful and widely syndicated show featuring young sexually active adults, a writer's assistant accused Warner Bros. Television Productions and others of sexual harassment, claiming sexually explicit talk took place on a regular basis in the room where she worked, assisting in the development of story lines and dialogue. The defendants countered that it was a necessary part of the creative process, which is protected by the First Amendment.

The court, without addressing the free speech issue, determined the sex talk did not create a hostile work environment or sexually harass the plaintiff because she should have expected coarse language from writers producing jokes and scripts.

In most workplaces, sexual comments and conversation and other boorish behavior are not an integral part of the work environment.

But even in those environments, such conduct is not always actionable. Employees who complain that their co-workers or supervisors behave in this manner must show that the conduct is the type that a court will stop.

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