

# Alex Lee Quoted about Title VII in Bloomberg Law article “Offensive Music Ruling Guts ‘Equal Opportunity Harasser’ Theory”

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Alex Lee, a member of Einhorn Barbarito’s [Employment Law Practice](#), spoke with *Bloomberg Law* about the use of music in a workplace environment as it pertains to potential claims of Title VII sexual harassment. In a matter heard by the U.S. Court of Appeals for the Ninth Circuit, the court considered a matter in Nevada wherein workers – both men and women - alleged that, despite their complaints, their warehouse manager and co-workers regularly played sexually explicit music, in violation of Title VII protections.

The Ninth Circuit determined that the workers’ Title VII sexual harassment claims stood, holding that derogatory and violent content can foster a hostile work environment and thus constitute discrimination because of sex – regardless of if it was offensive to both men and women.

Lee noted that the district court’s initial ruling, based on the “equal opportunity harasser defense,” would have created a loophole, and potentially allowed businesses to avoid liability under Title VII for “these types of pervasive and hostile work environment claims.”

He also stated that employers “need to be cognizant” of the content of music being played to make sure it aligns with their antidiscrimination and sexual harassment policies.

[Read the full article here](#) (subscription may be required).

For questions about discrimination and harassment claims under Title VII, as well as other employment law issues, please [contact Mr. Lee](#).