Cate Blanchett, Blue Jasmine And Sexual Harassment Law

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Cate Blanchett in Blue Jasmine won the Oscar for Best Actress in her role as Jasmine, a former New York socialite forced to move to San Francisco after her husband's Bernie Madoff-like fall from grace. As an employment litigator who regularly represents women who have been sexually harassed and/or assaulted – I found the portrayal of the workplace that Jasmine was forced to work in illuminating. While the movie certainly brings to light many issues involving money, society, marriage and self-worth the movie accurately depicted the situation that many of our current and former clients from all industries are forced to endure.

Jasmine, like most employees, needed a job. Working during the day in order to pay her bills and study to finish her college education, the lecherous dentist preyed upon her vulnerabilities. This is not uncommon. The dentist first invited Jasmine for a drink outside the office and then eventually became obsessed with her culminating in a sexually charged assault while in the workplace. While Jasmine slugs him, walks out of the office and quits– many employees remain in the workplace only for this conduct to be repeated or become more violent or sexually charged.

After the attack, Jasmine's friend advises her that "you can sue him you know – that's harassment." If only. While I have seen statistics that over 50 percent of women (and 15 percent of men) in the workforce have been subjected to unwelcomed sexual advances, the vast majority of these cases go unreported. No doubt the dentist in Blue Jasmine, and other similar employers, will continue to prey on vulnerable women until they realize the ramifications of their conduct.

Of course, employees can stand up to employers, supervisors and even co-workers who sexually harass and/or assault them. And, in doing so, employees garner protection under the anti-retaliation laws.

What is sexual harassment? Essentially, there are two forms of sexual harassment. The first is called quid pro quo – which in Latin means "this for that." To use a crude example, if your boss asks you for a sexual favor in return for a pay raise, promotion or to keep your job. The second type of sexual harassment is referred to as a "hostile work environment." The law defines a hostile work environment as a workplace permeated with conduct that is objectively and subjectively offensive and/or hostile based upon gender. This can include (but is certainly not limited to) sexual touching and/or other types of gratification, crude comments or sexual jokes, sexual photographs and/or pornography in the workplace. While courts tend to look at the frequency and severity of the conduct in determining whether it constitutes "sexual harassment," a one-off incident such as what transpired in Blue Jasmine, certainly qualifies.

Employees should know that Federal, State and New York City laws protect them. Each of these laws have different definitions and remedies, but generally speaking, an employee who has been the victim of sexual harassment can hold her employer liable for economic damages, emotional distress and reputational damages as well as punitive damages to punish the wrongdoer. Moreover, under New York

law, if you are the victim of a sexual assault, not only do potential criminal charges exist against the perpetrator, but the victim also has the right to sue the individual for assault, battery and gender motivated violence. All of these types of cases are typically handled on a contingency basis (meaning you don't have to pay your lawyer unless you are compensated).

If you are the victim of sexual harassment in the workplace and/or assault you should immediately contact a lawyer whose concentrates in this area of expertise. Don't immediately quit your job as Jasmine did without first speaking with a lawyer. Of course, if you are put in an uncomfortable or vulnerable situation you should leave at once and call for help. But, speaking with a lawyer to map out a strategy cannot be stressed enough.

Finding the right lawyer to handle this type of matter cannot be understated. Unfortunately, there are many lawyers trolling the internet for these types of cases who do not have the experience and qualifications to mine this very difficult area of the law. Rest assured, the law firm that represents the company will have an army of lawyers, unlimited resources and skill in this area of the law. You should have the same. Look for a law firm that has trial verdicts in sexual harassment cases and is willing to meet with you and go over your entire case so you know what it will entail and what is needed to prove it in the court of law.

Wigdor LLP has handled some of the most highly publicized sexual harassment and sexual assault cases ever. While those cases can be found on the internet and our web site, most of the cases we handle in this field never see the light of day and are settled confidentially to the satisfaction of our clients. Because of our ability to navigate this area of law as well as our trial record, we have collectively settled cases in this area will into the tens of millions of dollars.

If Jasmine had called our office she would have been treated with dignity and respect. She would have met personally with one of our partners who would have explained to her the process and her rights. And, ultimately she would have been empowered by a law firm that would not have backed-down to the dentist or his lawyers in order to ensure that she was compensated for his unlawful conduct.

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