

Investigation of Complaint Not Invasion of Privacy

The Alabama Supreme Court has ruled that an employer cannot be sued for invasion of privacy for investigating a sexual harassment claim. In *Ex parte The Birmingham News*, No. 1981445 (Ala. June 9, 2000), an employer investigated an employee's charge of sexual harassment by interviewing the employee's supervisor and coworkers. Later, one coworker commented to the employee that he did not want to "get too close" to the employee for fear that a harassment claim would be filed against him. The employee then sued the employer for giving "publicity" to her claim.

The Court rejected the employee's claim of invasion of privacy, noting that employers must talk to other employees to properly investigate a harassment claim. Such discussions do not rise to the level of "publicity" necessary to sustain an invasion of privacy suit. Therefore, employers may disclose the filing of a harassment claim to those who have a need to know. Disclosure outside this limited circle, however, could result in liability.