



County Technical Assistance Service

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Harassment by Non-Employees

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,

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Harassment by Non-Employees

Reference Number: CTAS-2470

Third parties that visit county offices to transact business may also be guilty of workplace harassment, and if this occurs the employer is responsible for taking appropriate action to stop it. The fact that the harasser is not an employee of the county does not relieve the county of liability. When an employer knows or should have known about the existence of a hostile work environment and fails to address it, both the employer and individual managers may be liable.

If less drastic efforts to stop the harassment have failed, the county does have a statutory remedy to seek injunctive relief in court. Under T.C.A. § 50-1-506, the county may, through its attorney, seek an injunction against a person who commits harassment against an employee. The injunction may be sought in any court of competent jurisdiction having the power to grant injunctions. As used in this statute, "harassment" means two or more instances of contact serving no legitimate purpose directed at an employee, in connection with that person's status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties. "Instance of contact" means a direct communication or physical touching. T.C.A. § 50-1-502.

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