

The Newest Case Regarding Sexual Harassment in the Workplace as Decided by the U.S. Supreme Court —A Review of *Crawford v. Nashville*

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Abstract

The purpose of this paper is to give a comprehensive overview of an important decision rendered by the U.S. Supreme Court in 2009, which concerns employer liability in combating sexual harassment in the workplace. In *Crawford v. Nashville*, the Court attempts to clarify several controversies arising from the implementation of the anti-retaliation provision contained in Title VII of the Civil Rights Act of 1964. This paper also analyzes the merits and shortcomings of the decision, in addition to several unresolved issues in its aftermath. Furthermore, since Taiwan's Gender Equality in Employment Act of 2002 follows the U.S. model of setting up an anti-retaliation regime in that Act to impose a similar obligation on employers when handling this type of dispute in their work places, this paper also discusses whether the American experience can provide any guidance for Taiwan to deter its local employers from adopting any retaliatory measures when they are processing these disputes.

Key Words: Title VII of the Civil Rights Act of 1964, sexual harassment in the workplace, employer liability, anti-retaliation provision, internal complaint system