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Employers may be liable for poor response to antisemitism

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Judy Greenwald

Employers may be found liable if they take no or insufficient action in response to antisemitic behavior, said an employment lawyer during a session on antisemitism on Friday.

The employer “may lose certain defenses if it knew about it, but didn’t do anything about it,” said Eric B. Meyer, a partner with FisherBroyles LLP in Philadelphia, who hosted an attorneys’ panel on antisemitism in the workplace.

The panel discussed how the widely reported antisemitism reported on many college campuses may spread to the workplace, as students graduate and get jobs.

Mr. Meyer said if there is an EPLI claim, employers should “put in that claim to your broker or carrier right away” so you don’t lose coverage “if it does blossom into a lawsuit.”

Be even-handed, said Jonathan A. Segal, a partner with Duane Morris LLP in Philadelphia.

If an employer provides leave for an employee to take leave to attend synagogue, permission to attend mosque may be considered a reasonable accommodation as well, he said.

“It’s more than treating everyone equally. It’s an individualized assessment” that requires balancing between reasonable accommodations and discrimination, said Amy Epstein Gluck, employment counsel and employment/litigation partner at FisherBroyles in Washington.

“Words matter. How it’s framed matters and we all need to be thoughtful” about what we say, Mr. Segal said. An employee who says he supports Hamas is not protected, but someone who advocates for Palestinians’ rights is.

Gregory Slotnick, a New York-based associate with Duane Morris, said antisemitism “needs to be explicitly included” in company handbooks.

“I would treat it the same way you treat” discrimination and harassment issues, Ms. Gluck said. “It’s really critical to include when you’re talking” about inclusivity training policies and programs, she said.

