Can an employer be held liable to pay damages to a former employee because his supervisors referred to him several times a day as "queer", "fagot", "homo" or "gay porn star", even though the supervisors knew he had a girlfriend and was not gay? You betcha.

In Taylor v. Nabors Drilling USA, LP, a jury awarded the employee $160,000 in damages. Significantly, the trial court awarded the employee $680,520 in attorney's fees. The employer argued that the conduct of the supervisors might constitute harassment of the employee, but not "because of sex" within the meaning of the California Fair Employment and Housing Act. Neither the employee nor the supervisors were gay and their conduct was not motivated by sexual desire, argued the employer. The court, instead, held that a heterosexual male is subjected to harassment "because of sex" under the FEHA when attacks on his heterosexual identity are used as a tool of harassment in the workplace, irrespective of whether the attacks are motivated by sexual desire or interest.

Here is the lesson to be learned. When your employees use gross and vile language and conduct (I didn't mention that one of the supervisors peed on the employee, among other offensive acts), the courts will go out of their way to send a message to employers statewide that such words and conduct are not in step with modern society.