

It's a jungle out there

By Julie McMahon

A judge has given “Anaconda,” the deejay who claims she was sexually harassed at work, fired and then defamed, the green light to proceed with her suit against her former employer and several co-workers.

Dania Mateo — described in the ruling as a “flirtatious, provocative” radio personality on WKKB Latina 100.3 FM’s morning show — filed suit after she was fired from the station, alleging violations of the state Fair Employment Practices Act and the Rhode Island Civil Rights Act, among other claims.

Providence Superior Court Judge Brian P. Stern dismissed 15 of the 22 counts, based partly on the defense argument that the Workers’ Compensation Act precluded the plaintiff’s tort claims because they allegedly occurred at her place of work. The ruling means a handful of FEPA, RICRA, defamation and conspiracy to defame claims can move forward.

According to Mateo, she was sexually harassed by a co-worker who was later promoted to general manager of the station. After the promotion, the GM fired Mateo and a colleague she had dated.

Mateo alleges that the general manager and another defendant stated on the radio multiple times that the reason for the fir-

ings was that the couple had been caught having sex in the office.

Mateo is represented by Providence solos Robert J. Caron and Christopher J. Petrarca. Counsel for the defendants is Noelle K. Clapham of Robinson & Clapham in Wakefield. None of the lawyers could be reached for comment.

Labor and employment attorney James A. Musgrave, who’s not involved in the case, says the FEPA and RICRA claims that were dismissed should have been filed with the appropriate commissions before reaching Providence Superior Court.

The surviving defamation claims could allow Mateo to “recover somewhat distinct damages than she can recover through discrimination claims,” says Musgrave, who practices at Roberts, Carroll, Feldstein & Peirce in Providence.

“The difference [from the other claims], analytically, is that the defamation occurred after she had stopped working. And even if it had gone on potentially while she was there, it’s an injury to reputation. The damage to her reputation adds an additional element to her claim.”

Stern wrote that, in Rhode Island, the WCA precludes employees from filing tort claims.

That’s just the trade-off of having a work-



Attorney James A. Musgrave

ers’ compensation system, according to Robert H. Morsilli of Jackson Lewis in Providence and Boston.

“There’s a bargain that you buy into that’s part of the price of employment. You have workers’ compensation as an employee available to protect you in the event of injury,” he says. “The downside of that from the employee’s perspective is that you waive any claims for personal injury that you have. The upside is that workers’ compensation provides monetary compensation for a much broader range of injuries that might not otherwise be available under common law.”

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