

JOSEPH ONCALE, PETITIONER v. SUNDOWNER OFFSHORE SERVICES,  
INCORPORATED, ET AL.

No. 96-568  
SUPREME COURT OF THE UNITED STATES

523 U.S. 75; 118 S. Ct. 998; 1998 U.S. LEXIS 1599; 140 L. Ed. 2d 201

December 3, 1997, Argued  
March 4, 1998, Decided

**PRIOR HISTORY:** On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

**DISPOSITION:** 83 F.3d 118, reversed and remanded.

**SYLLABUS:** Petitioner Oncale filed a complaint against his employer, respondent Sundowner Offshore Services, Inc., claiming that sexual harassment directed against him by respondent coworkers in their workplace constituted "discrimination . . . because of . . . sex" prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1). Relying on Fifth Circuit precedent, the District Court held that Oncale, a male, had no Title VII cause of action for harassment by male coworkers. The Fifth Circuit affirmed.

**Held:** Sex discrimination consisting of same-sex sexual harassment is actionable under Title VII. Title VII's prohibition of discrimination "because of . . . sex" protects men as well as women, *Newport News Shipbuilding & Dry Dock Co. v. EEOC*, 462 U.S. 669, 682, 77 L. Ed. 2d 89, 103 S. Ct. 2622, and in the related context of racial discrimination in the workplace this Court has rejected any conclusive presumption that an employer will not discriminate against members of his own race, *Castaneda v. Partida*, 430 U.S. 482, 499, 51 L. Ed. 2d 498, 97 S. Ct. 1272. There is no justification in Title VII's language or the Court's precedents for a categorical rule barring a claim of discrimination "because of . . . sex" merely because the plaintiff and the defendant (or the person charged with acting on behalf of the defendant) are of the same sex. Recognizing liability for same-sex harassment will not transform Title VII into a general civility code for the American workplace, since Title VII is directed at discrimination because of sex, not merely conduct tinged with offensive sexual connotations; since the statute does not reach genuine but innocuous differences in the ways men and women routinely interact with members of the same, and the opposite, sex; and since the objective severity of harassment should be judged from the perspective of a reasonable person in the plaintiff's position, considering all the circumstances. Pp. 2-7.

**JUDGES:** SCALIA, J., delivered the opinion for a unanimous Court. THOMAS, J., filed a concurring opinion.