

Unwanted World Cup Kiss—Incident Involving Spain Soccer President Highlights Workplace Harassment Risks

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Luis Rubiales resigned as the president of the Spanish soccer federation (RFEF) amid controversy over his kissing a women's national team player without her consent following the team's 2023 FIFA Women's World Cup win. The situation has sent shockwaves across the sports world and may serve as a reminder for employers in the United States of the persistent dangers of ignoring sexual harassment in the workplace.

Quick Hits

- A public and unwanted kiss on the lips of a Spanish women's national soccer team player by the president of the Spanish soccer federation emphasizes the risks of workplace sexual harassment and misconduct.
- Employers may want to consider policies and procedures to discourage a culture of harassment and to address complaints.

During the awards ceremony following Spain's win over England in the World Cup Final on August 2023 in Sydney, Australia, Rubiales was caught on camera kissing star Spanish women's national team player Jenni Hermoso on the lips. Reports reflect that Hermoso has repeatedly stated that the kiss was unwanted and that she felt like a victim of aggression, though Rubiales has alleged the kiss was consensual. Rubiales, who was provisionally suspended by FIFA, is facing multiple investigations over his conduct at the World Cup and as president of the federation and reportedly could face criminal sexual assault charges in Spain.

This situation and other recent scandals underscore allegations of harassment and discrimination across women's sports. More broadly, the controversies highlight the continuing threat of sexual harassment and misconduct in the workplace, particularly between supervisors and their subordinates, even years after the [#MeToo Movement](#) sparked increased scrutiny of the issue.

These issues may punctuate the importance for employers of addressing potential harassment in the workplace head-on, without delay, and in a professional and effective manner. Here are some key steps employers in the United States may want to consider to avoid sexual harassment claims and

liability.

- ***Setting the Right Tone***

Employers may want to consider whether they are truly discouraging a culture of harassment through their rules and messaging. Many employers have initiated new policies and practices that start with sending a strong message to their employees that harassment will not be tolerated in their workplaces. This messaging may involve a holistic approach that includes active and engaged leadership, consistent and demonstrated accountability, strong and comprehensive policies, regular training, and a trusted process for reporting complaints.

- ***Adopting Strong and Comprehensive Policies***

The adoption of a valid anti-harassment policy and vigorous enforcement of the policy is key. This policy may state that the company will not tolerate harassment, establish clear rules and boundaries for appropriate and acceptable behavior by employees and managers, and set forth rules against or requirements for disclosure of [workplace romantic relationships](#). Additionally, the policy may designate ways to report a complaint, including options for reporting that do not require reports to be made to an offending supervisor, and mechanisms for enforcement of violations.

- ***Holding Routine Anti-Harassment Training Sessions***

Beyond policies, employers may want to consider if, and how often, they hold training sessions for both employees and managers to remind them of appropriate workplace conduct and the employer's anti-harassment stance. Zero tolerance for violations of an organization's dignity and respect standards is becoming the new normal in the workplace. Routine training can help ensure all employees and managers are on the same page and discourage offending conduct. Training sessions can also include reminders that the employees are expected to adhere to the employer's anti-harassment policy in all forms of company communication, both in person and online, which can be critical with more and more employees working remotely.

- ***Developing Investigation Procedures***

Developing and following procedures to investigate harassment complaints swiftly, fairly, and effectively can be key to preventing incidents of harassment. Failure to properly respond to complaints can foster a culture of harassment and failure to have proper investigative procedures in place can lead to the risk of increased liability for employers facing claims. Employers may want to consider adopting investigation policies with guidelines for the timeliness, fairness, thoroughness, and overall procedure for conducting harassment investigations. Additionally, depending on the level at which the alleged bad behavior occurs, employers may want to consider using an outside investigator to overcome the perception of bias, and to safeguard privilege in the investigation.

Key Takeaways

Despite closer scrutiny of harassment and discrimination in the workplace following the rise of #MeToo, the incident involving the Spanish soccer federation president shows how such issues persist in some workplaces, including involving the top-level leadership of organizations. Employers may want to take the incident as a reminder to review their anti-harassment messaging, policies, and investigative procedures to prevent harassment issues in their workplaces.

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