

GINSBURG, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

No. 97-569

BURLINGTON INDUSTRIES, INC., PETITIONER v.  
KIMBERLY B. ELLERTH

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

[June 26, 1998]

JUSTICE GINSBURG, concurring in the judgment.

I agree with the Court's ruling that "the labels *quid pro quo* and hostile work environment are not controlling for purposes of establishing employer liability." *Ante*, at 20-21. I also subscribe to the Court's statement of the rule governing employer liability, *ante*, at 20, which is substantively identical to the rule the Court adopts in *Faragher v. Boca Raton*, *post*, p. \_\_\_\_.