



## Sexual Harassment

Although sexual harassment in the workplace has decreased over the last few decades, there are still many cases of harassment. Managers and supervisors need to know how to handle harassment claims, and employees need to know how to prevent and report harassment. Learn from other companies' mistakes by studying the case studies below. Contact Express Personnel Services for more information on this and other human resource issues.

### One incident of sexual harassment involving five women cost an employer in the oil industry \$780,000 in monetary relief.

In this Title VII case, the New York District Office alleged that a defendant in the oil industry subjected female employees at various locations to a sexually hostile work environment; the District Office also alleged constructive discharge and retaliatory discharge. The defendant's owner subjected several female employees to lewd language, sexual advances, and unwelcome touching. After a particularly unsettling incident, one charging party quit her job and filed a criminal sexual assault complaint. The owner discharged women who opposed his conduct, and forced a woman out of the company because she refused to lie about the harassment to investigators.

The oil company and its owner, who was added to the suit as a defendant by interveners, will be jointly and severally liable for paying a total of \$780,000 in monetary relief to five women in three installments over 1 year. The women will receive cumulative amounts ranging from \$220,000 to \$70,000 each. The decree requires defendants to provide a work environment free from sex discrimination and sexual harassment and prohibits retaliation against any employee who exercises his or her rights under Title VII.

Defendants will contract with an employment practices organization to develop EEO and harassment policies and complaint procedures and implement them for the duration of the decree at the company's facilities. If the employment practices organization determines that the owner has sexually harassed any employee, the owner will take appropriate remedial steps recommended by the employment practices organization, including issuing a statement pledging to cease such conduct. An attorney with employment practices organization will provide the owner with 8 hours of sensitivity training, and will provide the other managers with sexual harassment training outside the owner's presence. For the duration of the decree, the oil company will post a notice at all of its business locations informing employees of: (1) the resolution of the lawsuit, (2) defendants' obligations regarding sex discrimination, and (3) employees' right to file a charge with the EEOC or the New Hampshire Commission for Human Rights. The oil company will submit quarterly reports to the EEOC on sexual harassment complaints and their resolution, and the owner will sign a statement as part of the final report verifying his and the company's compliance with the decree.



## Sexual Harassment Fast Food Restaurant Settles a Sexual Harassment Case for \$400,000.

A fast food restaurant settled a sexual harassment lawsuit for \$400,000 to be paid to seven female employees, in addition to significant remedial relief – including extensive training and policy revisions – pursuant to a proposed Consent Decree filed today with the federal court in St. Louis.

The EEOC's lawsuit under Title VII of the 1964 Civil Rights Act, alleged that the restaurant manager subjected the female employees, six of whom were high school students, to repeated groping, vulgar sexual comments, and demands for sex. According to the EEOC, several of the young women complained to assistant managers at the restaurant as well as to a district manager, but no one took action to stop the harassment. None of the female employees had received training on how to make a sexual harassment complaint.

After enduring weeks of abuse by the restaurant manager, the EEOC said, several of the women finally learned how to file internal complaints with the corporate office. Following a brief company investigation, the manager was allowed to resign and one of the assistant managers, although initially reprimanded, was later promoted to a restaurant manager position.

Under the Consent Decree, which still must be approved by the court, the company has agreed to pay the victims a total of \$400,000 in damages and attorneys' fees, and have further agreed not to rehire the harassing manager. In addition, the companies will conduct extensive sexual harassment training for management personnel, including eight hours of training for several upper-level managers, distribute the revised sexual harassment policy and procedure to all restaurant employees, and more prominently post an 800-number hotline for reporting harassment throughout their restaurants. For the two-year period of the Decree, the companies must report to the EEOC all internal complaints of sexual harassment involving employees at the restaurant.

Lynn Bruner, Director of the EEOC's St. Louis District Office, said, "This lawsuit could have been avoided if assistant managers and others had acted to stop the harassment when they first received complaints about the restaurant manager. We are pleased that the companies will compensate these young victims and provide extensive training to their staff on sexual harassment."

Noting that her office has handled numerous teen harassment cases in recent years, Bruner added, "We hope this case serves as an example of why employers must take prompt, effective steps to respond to employee reports of sexual harassment and other forms of unlawful discrimination, especially as it relates to young workers."