#METOO – EEOC LAUNCHES A MULTI-PRONGED ENFORCEMENT CAMPAIGN AGAINST SEVEN EMPLOYERS AROUND THE COUNTRY

As pointed out in prior blog posts—see, for example, this post from 2017 and this 2018 blog post—with the recent #MeToo movement and the sexual harassment allegations that continue to garner media coverage on a national platform, employers across the country should be taking proactive steps to curb sexual harassment and incivility in the workplace. Adding more fuel to an already stoked fire, the EEOC recently filed seven lawsuits against a number of employers across the country, charging them with unlawful harassment and discrimination. This multi-pronged campaign initiated by the EEOC shouldn't come as too much of a surprise to employers, but it does serve as an important reminder to implement best practices in the workplace as soon as possible.

Acting Chair of the EEOC, Victoria A. Lipnic, explained that "[a]s the nation has seen over the past nine months, harassment at work can affect individuals for years in their careers and livelihoods[.]" She also explained, "[t]here are many consequences that flow from harassment not being addressed in our nation's workplaces. These suits filed by the EEOC around the country are a reminder that a federal enforcement action by the EEOC is potentially one of those consequences."

The lawsuits were filed as follows:

- The EEOC's Birmingham, Alabama District Office sued employer no. 1, a Gulf Coast shipbuilder, for same-sex sexual harassment and race discrimination. The lawsuit alleges that one of the employer's lead welders sexually and racially harassed a male Asian-American welder at its Bayou La Batre, Alabama headquarters. In addition, the same supervisor allegedly discriminated against three African-American employees by calling them racially charged, derogatory names.
- The agency's Phoenix, Arizona District Office and its Albuquerque, New Mexico Area Office sued employer no. 2, a staffing company, for allowing a group of female employees to allegedly be subjected to sexual harassment while they were employed in administrative roles at a local law enforcement agency. The EEOC claims that the women were subjected to pervasive unwelcome sexual comments, including comments about their breasts and buttocks; were referred to in derogatory terms; and were subjected to unwelcome touching.
- The Dallas District Office of the EEOC sued employer no. 3, a manufacturing company, for allegedly subjecting a female worker to unwanted physical and verbal sexual harassment by her supervisor. The EEOC alleges that the manager followed the worker into the restrooms she was cleaning, made sexual comments and attempted to force himself on her. In addition, a VP-level employee at the company allegedly made graphic, intimidating sexual comments to her.
- The EEOC's St. Louis District Office sued employer no. 4, a national trucking company, for allegedly allowing the sexual harassment and threatening of a female truck driver. The EEOC claims the company knew of at least one male supervisor who had harassed a female trainee. And, although the supervisor was no longer allowed to train new employees, he allegedly continued to be employed by the employer. According to the EEOC, the employer stopped using the harassing supervisor as a trainer but continued to allow him to drive for the company and continued providing him with co-drivers, including a female employee who, according to the EEOC, was subjected to verbal harassment and threats for six weeks.
- The agency's Los Angeles District Office filed suit against employer no. 5, a printing, mailing and fulfillment company. The suit alleges that the company did nothing to stop sexual physical and verbal harassment of female employees. The EEOC claims a supervisor rubbed the backs of female employees while making comments about their underwear and "accidentally" grazed their breasts with his elbows while they were working at the printer. In addition to physical harassment, the employees were allegedly referred to in demeaning and derogatory terms.
- The Los Angeles District Office and its San Diego Local Office sued employer no. 6, a milk tea company, and two of its franchises for allegedly subjecting female employees to sexual harassment by the franchises' owner. The EEOC alleges the owner inappropriately touched women and made repeated comments of a sexual nature to them. Because of the escalating abuse, the EEOC claims some female employees felt compelled to quit.

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- The EEOC's Indianapolis District Office and its Cincinnati Area Office sued employer no. 7, a Cincinnati-based commercial cleaning and construction cleanup company, for allegedly subjecting a female employee to a sexually hostile work environment. The suit alleges the company owner called derogatory and demeaning names. In addition, he would allegedly hug her, make sexual comments about her body and call her repeatedly at night to suggest they have a sexual relationship. After complaining about the work environment, the employee was allegedly fired in retaliation for her complaints.

As the EEOC's multi-pronged enforcement campaign above clearly demonstrates, it is time—if not past time—for employers to implement best practices on civility and harassment in the workplace. Regular training and education on these practices can substantially decrease the risk of discrimination, and harassment-based liability, and, in case of a lawsuit, can help an organization show that it exercised reasonable care to prevent and promptly correct harassing behavior. The experienced attorneys in Hall Render's Health Human Resources section have been providing, and will continue to provide, onsite training whenever and wherever needed.

If you have any questions, please contact Dana Stutzman at (317) 977-1425 or dstutzman@hallrender.com or your regular Hall Render attorney.

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