

Publications

Labor and Employment Alert: EEOC Files Seven Sexual Harassment Lawsuits in One Week

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The U.S. Equal Employment Opportunity Commission (EEOC) has demonstrated its increased focus on sexual harassment through its filing of seven lawsuits across the nation in the past week. These lawsuits follow a meeting this past Monday that reconvened the EEOC's Task Force on the Study of Harassment in the Workplace. In a press release about that meeting and announcing the lawsuits, the EEOC's acting chair expressed a desire to capitalize on the #MeToo movement to create significant and sustainable change with respect to sexual harassment.

The EEOC's recent lawsuits allege sexual harassment against employers in Ohio, California, Texas, Missouri, Alabama and New Mexico. Two of the lawsuits were filed against employers in California. In some cases, the Charge of Discrimination against the employer that ultimately lead to the lawsuit had been filed years' prior. However, in every case, a Letter of Determination finding reasonable cause to believe Title VII was violated was issued within the past year, with most determinations being made within the last few months.

A hostile work environment based on sexual harassment was alleged in each of the seven lawsuits, with one lawsuit also containing the allegation of quid pro quo sexual harassment by the victim's supervisor. Five of the lawsuits allege that the harassment was perpetrated, at least in part, by a direct supervisor, manager, or owner. Six lawsuits are brought behalf of one or a group of female employees, whereas one lawsuit alleges sexual harassment of a male employee by his male co-worker.

These lawsuits demonstrate the importance of having a policy prohibiting harassment and effective training on and implementation of that policy. The lawsuit filed against the Texas employer includes the allegation that the employer failed to distribute a policy against sexual harassment or provide sexual harassment training to the accused manager. A similar failure to train employees on sexual harassment or complaint procedures was highlighted in one of the California lawsuits. In the other lawsuits, the employers are alleged to have failed to

sufficiently investigate or respond to complaints of harassment. In numerous cases, the allegations make clear that the victim was aware of no investigation or action following complaints to human resources or management. Additionally, while one employer took immediate action to remove the victim from the vicinity of the perpetrator following the victim's complaint, the employer's action is alleged to have resulted in a demotion for the victim. Effective policies and training programs also afford some protection against claims for punitive damages against employers.

The EEOC's actions this week further demonstrate the need for all employers to focus on issues surrounding sexual harassment. Employers should pay special attention to any Charge of Discrimination they receive alleging sexual harassment. Additionally, in light of the EEOC's focus and the current climate surrounding the #MeToo movement, employers should ensure their sexual harassment and complaint procedures are up to date and that training is provided to all employees, including management, as to these policies. Contact your Vorys lawyer if you have questions about your company's policies or want to schedule harassment training.