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EEOC Files Seven Harassment Lawsuits

By [Laura Rubenstein](#)

The Equal Employment Opportunity Commission (EEOC) continues to make an example out of companies who fail to address sexual and other workplace harassment. On June 14, 2018, the EEOC issued [a press release](#) announcing that it filed several lawsuits against various employers across the country charging them with harassment. This multi-state action by the EEOC reinforces to employers that harassment violates federal law and employers will be prosecuted.

First, the EEOC sued [Master Marine](#), Inc., a Gulf Coast shipbuilder, for racial and same-sex sexual harassment for allowing one of its lead welders to sexually and racially harass a male Asian-American welder at its Alabama headquarters. The suit alleges that the welder was subjected to unwanted comments about his race and inappropriately touched by a supervisor. The suit also alleges that three African-American employees were subjected to racial harassment by a supervisor, who referred to them as "n----r," "monkey," and "boy."

Second, the EEOC sued [G2 Corporation](#), doing business as Screen Tight, for subjecting a female worker in Texas to unwelcome physical and verbal sexual harassment at the hands of her production manager and another corporate officer. The EEOC alleges that the manager followed the worker into the restrooms while making sexual comments and attempting to force himself on her. The EEOC said that the vice president of the company also made graphic, intimidating sexual comments to her.

Third, the EEOC sued [New Prime Trucking, Inc. / Prime, Inc.](#), one of the nation's largest trucking companies, alleging sexual harassment and threats towards a female truck driver. According to the EEOC's suit, the company knew that one of its contractors had sexually harassed at least one female driver trainee, but allowed him to continue driving for the company and also continued assigning Prime employees to work as his co-drivers. The suit alleged that Prime did not warn the women co-drivers about the harasser's past misconduct or counsel him that he must cease harassing behaviors.

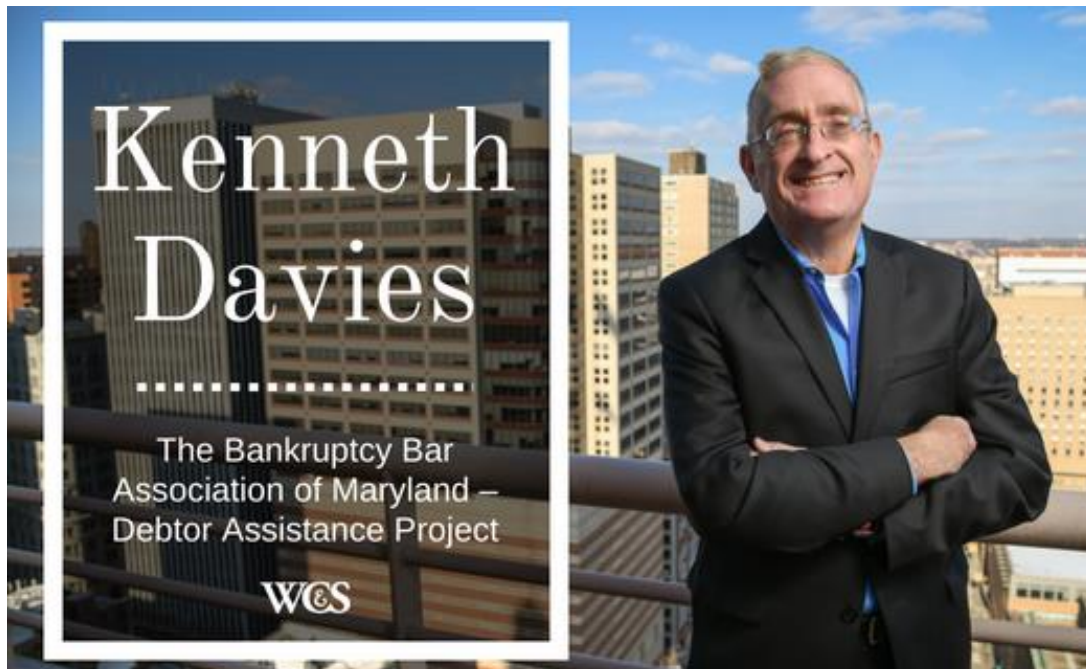
Fourth, the EEOC filed suit against [Sierra Creative Systems](#). The suit alleged that the company subjected female workers to ongoing verbal and physical sexual harassment and retaliation at its North Hollywood facility, and such conduct continued later at its Paramount facility. The EEOC said a supervisor rubbed the backs of female employees while making comments about their underclothes and "accidentally" grazed their breasts with his elbows while they were working at the printing machines. In addition to physical harassment, the EEOC charged that employees were subjected to verbal harassment, including being called "whores" or "sluts," being referred to as "cows" and "donkeys," and being called useless, stupid, and ignorant. The company did nothing to stop this abuse, and those who reported the misconduct were subjected to harassment and retaliation, according to the EEOC.

Fifth, the EEOC sued [Tapioca Express](#), a California-based milk tea franchise, and two of its franchisees for subjecting female employees to sexual harassment. The lawsuit said the owner of two franchisees inappropriately touched women and made repeated comments of a sexual nature to them. Some female employees felt compelled to quit as a result of the escalating abuse, the EEOC alleged.

Sixth, the EEOC sued [Total Maintenance Solutions](#), a Cincinnati-based commercial cleaning and construction clean-up company, for subjecting an employee to a sexually hostile work environment. According to the EEOC's suit, the company owner forced the employee to endure unwanted touching, sexual comments, overtures, and ogling. The lawsuit alleges that he called an employee his "little young ass" and told her how sexy she looked. He also allegedly hugged her, made sexual comments about her body and repeatedly called her at night at her home after work hours suggesting that they have a sexual relationship. The employee complained repeatedly about the sexually hostile work environment, and was subsequently fired in retaliation for her complaints, the EEOC said.

Don't let your company's name show up on an EEOC press release. Make sure you have policies and practices in place to address unlawful behavior. Sign up for our complimentary webinar below.

Registration information coming soon for WCS's fall series on advanced sexual harassment issues in the workplace.



Congrats to WCS' Kenneth Davies for being recognized by The Bankruptcy Association of Maryland for his pro bono advising debtors contemplating or in bankruptcy. Congrats Ken!

Employer Liability for Harassment Extends to Actions of Customers as Well

By [Don Walsh](#)

The EEOC filed its seventh recent suit in New Mexico against Real Time Staffing Services, Inc., claiming it violated federal law by allowing a group of female employees to be subjected to sexual harassment while they were working at the Inspection of Public Records Act Unit of the Albuquerque Police Department. In its suit, the EEOC alleged that Select Staffing allowed women to be subjected to sexual harassment when they were placed at the Inspection of Public Records Act Unit and that despite complaints, Select Staffing did nothing about the sexual harassment of its employees. The EEOC said that the women were subjected to pervasive unwelcome sexual comments, including comments about their breasts and buttocks, referred to them as "prostitutes" and "sluts," and subjected them to unwelcome touching, which created a hostile work environment for them.



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This is an important reminder that employers have obligations to employees to protect them from harassment from other employees and from vendors and customers. Employers must walk a fine line and ensure that employees are not being placed into positions where they are expected to be exposed to illegal conduct and comments. Customer or other nonemployee harassment surfaces just like hostile work environment claims involving employees and have the same implications for employers.

After an employer becomes aware of customer harassment, either through a direct report or when a supervisor or manager has witnessed an incident, it must investigate, take prompt remedial action and ensure that the employer doesn't retaliate against the employee in any fashion because of the conduct of the alleged harasser. Reasonable employer responses may include warning the offender that repeated misconduct will result in a ban or refusal to do further business, following through on such threats, or allowing the employee to avoid any interactions with the offender.

Because employers need to be conscious to not retaliate, if the employer has confirmed the harassment and the employee is agreeable, the employer could reassign the employee to another job or area of the workplace so she can avoid interacting with the customer. Because the employee has the right to complain, adverse decisions include changing the conditions of employment, such as reducing hours or changing schedules or taking away other privileges are to be avoided.

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