



EEOC Drops Hammer on Workplace Harassment

By Kathy Gurchiek

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The U.S. Equal Employment Opportunity Commission (EEOC) filed lawsuits this week alleging workplace harassment by seven employers across the country.

Among the suits filed, five allege sexual harassment and two allege racial harassment. One of the seven suits also alleges harassment based on national origin. Five claimed retaliation (<https://www.thebalancecareers.com/retaliation-is-illegal-1917921>) against employees for reporting harassment.

The litigation involves workers at country clubs, cleaners, sports bars, airlines, health care facilities and grocery stores (<https://www.eeoc.gov/eeoc/newsroom/release/8-9-18h.cfm>).

Workplace harassment makes up about one-fourth of the charges n the agency has filed in recent years, according to EEOC Acting Chair Victoria A. Lipnic. Among the 80,000 to 90,000 discrimination charges the agency receives annually, almost one-third include an allegation of harassment.

SHRM Online has collected the following articles from its archives and other news outlets about the workplace harassment claims made against employers.

'Me, Too' Evidence in Sexual-Harassment Suit Is Allowed

The California appellate court reversed a jury verdict in favor of a manager because the trial court refused to admit "me, too" evidence in an employee's sexual-harassment lawsuit against a co-worker.

The evidence—that the defendant had acted inappropriately toward several female workers other than the plaintiff—was relevant, and the jury should have been allowed to consider it, the California Court of Appeal ruled.

(*SHRM Online* (www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/me-too-evidence-in-sexual-harassment-suit-is-allowed.aspx))

Employees Secretly Record Managers for Litigation

As smartphones have become common, employees are recording work conversations without employers' knowledge or permission in preparation for discrimination, sexual harassment and whistle-blower lawsuits. State and federal laws limit employers' ability to prohibit recordings, but the Trump administration has loosened federal restrictions.

"A recording of sexual harassment or a discriminatory comment can be very powerful evidence and damaging to the employer," said Jay Holland, an attorney with Joseph Greenwald & Laake in Greenbelt, Md.

(*SHRM Online* (www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/secret-recordings.aspx))

Men Account for Nearly 1 in 5 Complaints of Workplace Sexual Harassment with the EEOC

Sexual harassment is not limited to women. Many men are targeted for their gender identity or for not being sufficiently masculine, said Jennifer Berdahl, a professor at the Sauder School of Business at the University of British Columbia. She studies sexual harassment and gender stereotypes in the workplace.

In one case brought by the EEOC, a New Orleans construction company in 2014 ultimately agreed to pay \$125,000 in compensatory damages in a consent judgment ending five years of litigation, including multiple appeals, to a former ironworker. The plaintiff's attorneys said the man was targeted for not meeting the gender stereotype of a "rough ironworker."

(SFGate (<https://www.sfgate.com/news/article/Men-account-for-nearly-1-in-5-complaints-of-12816635.php>))

[*SHRM members-only resource: Workplace Harassment Resources* (www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/workplace-harassment-resources.aspx)]

Boeing Employee Wins Racial harassment, Discrimination Lawsuit Against Company, Which Has 5 Lawsuits on the Way

In July, a jury found Boeing guilty of having a hostile work environment, failing to prevent harassment, and being negligent in its hiring, supervision or retention of employees—and ordered the aerospace behemoth to pay the plaintiff \$350,000 in damages.

During the five-day trial in U.S. District Court in Los Angeles, the man, who is black, and a series of corroborating witnesses described a series of racist jokes levied at the 18-year Boeing employee's expense. When he told supervisors of the harassment, they did not report it or follow up on it.

Boeing, according to court transcripts, never denied the allegations — but argued the plaintiff did not follow company procedures for filing complaints.

(*Press-Telegram* (<https://www.presstelegram.com/2018/07/15/boeing-employee-wins-racial-harassment-discrimination->

[lawsuit-against-the-aerospace-giant-which-has-five-other-lawsuits-on-the-way/\)\)](#)

Sexual Harassment Claim Ordered to Proceed to Trial

A Dollar General employee who complained that her supervisor solicited sex from her and sent her lurid text messages had a sexual harassment claim that could go to trial because a district manager did not react promptly to her complaints, the U.S. District Court for the Northern District of Mississippi held.

(*SHRM Online* (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/court-report-sexual-harassment-claim-ordered-to-proceed-to-trial.aspx))

EEOC Focuses on Preventing Workplace Harassment

Earlier this year, employment law firm Littler issued its seventh annual report on EEOC developments, analyzing the agency's activities and strategies during fiscal year 2017 and anticipating trends for the next year.

"The commission believes a concerted effort to promote holistic prevention programs, including training and outreach, will greatly deter future violations," the agency stated in its latest strategic enforcement plan.

(*SHRM Online* (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/littler-eeoc-report-preventing-workplace-harassment.aspx))

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