

FLORIDA RESTAURANT AGREES TO SETTLE SEXUAL HARASSMENT SUIT



The owner/operator of a restaurant franchise in Florida will be paying 200,000 dollars to settle a suit alleging sexual harassment and retaliation. The U.S. Equal Employment Opportunity Commission (EEOC) filed the lawsuit, which claims that the business allowed its female employees to be harassed by a customer. The action was brought against Hurricane Grill and Wings, operating in Royal Palm Beach, FL. It alleges that a customer, a Palm Beach County sheriff's deputy, sexually harassed some of the female servers. The women were allegedly touched inappropriately on a repeated basis, subjected to sexual innuendo, and asked by the customer to join him and his wife in a sexual tryst. The restaurant tolerating such behavior is a violation of federal law. According to the EEOC, one of the female servers was fired after the company discovered that she had hired a lawyer to aid in filing a complaint with the Commission. The lawsuit, filed in the U.S. District Court for the Southern District of Florida, alleges violations of Title VII of the Civil Rights Act of 1964 for sexual harassment, as well as retaliation for the employee complaining of harassment. A settlement was attempted prior to litigation via the EEOC's conciliation process. The suit was initially filed against 441 S.B., LLC. While the case was in progress, the business sold its interest in the Royal Palm Beach location to Hurricane Wings Management of Royal Palm Beach, LLC. The monetary compensation will be covered by 441 S.B., LLC, but Hurricane Wings Management has agreed to additional relief as required by the consent decree. Its sexual harassment policy will be altered and redistributed, training will be offered for employees (to include management), a notice concerning the intent to keep the Royal Palm Beach location free of sexual harassment and additional retaliation will be posted, the location will be monitored with regular reports submitted to the EEOC, and the customer allegedly responsible for



harassment will be given a written request to stay away from the restaurant. The EEOC was implemented for the specific purpose of enforcing federal laws which prohibit unlawful employment practices, including employee discrimination, sexual harassment and retaliation. "The Commission remains poised to enforce Title VII, and it will actively pursue flagrant violations such as this one," said EEOC's Miami District Director Malcolm Medley. "Employees should feel safe at work, and employers must protect their employees from a sexually hostile work environment." The EEOC's Miami regional attorney, Robert E. Weisberg, noted that Title VII requires employers to halt any sexual harassment from other employees or customers. "Hurricane Grill and Wings has a responsibility to protect their employees regardless of the status of the harasser," he said. "A high percentage of sexual harassment charges are filed by women in the restaurant industry, and this decree will serve to protect the rights of a particularly vulnerable segment of the workforce."