



Employment Case Studies: Insights Into EEOC Violations

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Introduction

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age (40 or older), disability or genetic information. Oftentimes, the EEOC accomplishes this enforcement through lawsuits and other legal action.

Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered.

Applicable employers that do not comply with EEOC regulations can find themselves in messy legal situations or on the hook for significant monetary penalties. That's why it's critical for employers to understand how their workplace actions may apply to EEOC rules.

The case studies in this article provide real-world examples of employers found to be in violation of EEOC regulations. It includes snapshots of violations and guidance for how those employers could've prevented EEOC issues. By examining these case studies, employers can learn from the mistakes of others in similar industries and avoid EEOC violations.



Real-world Case Studies



SAN DIEGO, CA—A company that runs a chain of resort-style athletic facilities and country clubs has agreed to [pay \\$500,000 and provide additional relief](#) to settle a sexual harassment and retaliation lawsuit from the EEOC.

What went wrong:

- Some female employees were subjected to sexual harassment by management and customers.
- According to the lawsuit, employees who complained about the treatment were allegedly retaliated against by management.
- Such conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment and retaliation for reporting such a claim.



FRESNO, CA—An ice cream company will [pay \\$200,000 and revamp its hiring practices](#) to settle a race and national origin lawsuit filed by the EEOC.

What went wrong:

- The company allegedly favored Hispanic job applicants over other nationalities for entry-level positions, even discouraging and deterring non-Hispanic applicants from applying, according to the lawsuit.
- The company's sole non-Hispanic employee was allegedly fired after a week due to their national origin.
- Such conduct violates Title VII of the Civil Rights Act of 1964, which protects against discrimination due to an individual's national origin.



DETROIT, MI—A state government body will [pay \\$115,000 and provide additional relief](#) to settle an age discrimination lawsuit from the EEOC.

What went wrong:

- A 56-year-old applicant was allegedly denied a position due to her age, according to the lawsuit.
 - Another individual alleged that their work was subject to unwarranted scrutiny and they were the target of derogatory statements due to their age.
 - Such alleged conduct violates the Age Discrimination in Employment Act, which prohibits discriminating against individuals because they are age 40 or older.
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DENVER, CO—A manufacturer will [pay \\$100,00 and furnish additional relief](#) to settle a discrimination and retaliation lawsuit from the EEOC.

What went wrong:

- An applicant was allegedly denied a position because they were deaf, according to the lawsuit.
- The individual and their job placement advocate also alleged retaliation for complaining about discrimination and the need for disability accommodation.
- Such alleged conduct violates the Americans with Disabilities Act, which prohibits employment discrimination based on disability. The Act also requires employers to consider and provide reasonable accommodations that would allow workers and job applicants with disabilities to perform essential job functions.

Correcting the Problems

Avoiding EEOC violations isn't always straightforward, as illustrated by the case studies on the previous page. However, with some guidance, an employer can keep their business compliant and their workers happy. Below is general guidance related to the issues discussed earlier, categorized by violation type.



Sexual Harassment

Sexual harassment is not tolerated by the federal government, nor should it be tolerated by any business. An employee's gender or sexuality should not factor into workplace decisions. Moreover, every employee should feel safe while at work and not fear harassment of any kind, least of all from their employer. To that end, it's wise for employers to periodically revisit their sexual harassment policies and training to ensure all staff members are familiar with prohibitions on sex-based harassment.



Race and National Origin Discrimination

It's unlawful for employers to use race as a qualifying characteristic for employment. An individual's race and national origin should never factor into a workplace decision. Employers must be careful to treat applicants and employees fairly. It's a best practice to periodically review hiring practices to ensure consistent, nonpreferential standards.



Age Discrimination

Employers cannot discriminate against an individual because they are age 40 or older, plain and simple. An organization cannot deny someone a position solely because it's "seeking a younger fit." Similarly, employers cannot single out older workers for performance issues while ignoring such issues among younger employees. Employers are encouraged to review their hiring and performance review criteria to ensure all employees are evaluated the same way.



Disability Discrimination

Individuals with disabilities must be considered for a position just like any other applicant. If an applicant has a disability, employers are obligated to try and figure out a reasonable accommodation for the person so they can perform the role's essential functions. Employers cannot deny a qualified applicant with a disability a position because they are disabled, or because a reasonable accommodation would be required to allow the applicant to perform essential job functions. As such, employers should be careful to ensure their hiring practices aren't unintentionally discriminatory.



Retaliation

Generally, most of the case studies from the previous page involved allegations of retaliation from employers. Retaliation is when an employer punishes a job applicant or employee for asserting their right to be free from employment discrimination. Retaliatory actions vary, but may include giving a low performance score, reassigning an employee, spreading rumors, engaging in verbal abuse or unduly scrutinizing work. In all cases, retaliation against employees or applicants is unlawful. Employers can find themselves in hot water if they are accused of retaliation, particularly in response to an employee filing a harassment or discrimination claim.

Conclusion

These case studies demonstrate how easy it can be for an employer to run afoul of EEOC regulations. That's why it's so important for employers to seek professional guidance before making potentially costly decisions. By learning from these employers' mistakes, others in similar industries can avoid major violations and prevent EEOC lawsuits.

