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New Poster Available

Federal law requires an employer to post notices describing the laws prohibiting job discrimination based on race, color, sex, national origin, religion, age, equal pay, disability and genetic information. The Equal Employment Opportunity Commission (EEOC) provides a poster which is available in English, Arabic, Chinese and Spanish, known as the "Equal Employment Opportunity is the Law" poster which helps employers fulfill this posting requirement.

The EEOC has recently revised its "Equal Employment Opportunity is the Law" poster. This new version reflects current federal employment discrimination law (including the Americans with Disabilities Act Amendments Act of 2008). The poster was revised to add information about the Genetic Information Nondiscrimination Act of 2008, which was effective November 21, 2009. The revised poster also includes updates from the Department of Labor. The poster may be found on the EEOC website at www.eeoc.gov.

Kohler Company Pays \$175,000 to Settle EEOC Pregnancy Discrimination Lawsuit

EEOC Charged that Plumbing Manufacturer Fired Executive Because of Pregnancy.

The Kohler Company, an international manufacturer based in Kohler, Wisconsin, will pay \$175,000 to settle a gender and pregnancy discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently.

The agency had charged that Kohler discriminated against a female sales executive at its Atlanta Branch Office, which deals with plumbing products, by firing her due to her gender and her pregnancy. The lawsuit said that a showroom executive was placed on probation, despite her qualifications and performance record, and then fired less than one month prior to her delivery date.

Pregnancy discrimination violates Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act. The EEOC filed suit in November 2006 in U.S. District Court for the Northern District of Georgia after first attempting to reach a pre-litigation settlement.

The consent decree settling the suit, in addition to the monetary relief of \$175,000, includes provisions for equal employment opportunity training, reporting and postings. In the suit and consent decree, Kohler denied any liability or wrongdoing.

The Focus

Regal Entertainment Group to Pay \$175,000 for Sexual Harassment of Man by Female Co-Worker

EEOC Said Manager Also Retaliated Against Victim and Supervisors Who Tried to Help

Regal Entertainment Group, a national movie theater chain, will pay \$175,000 and furnish significant remedial relief to settle a sex discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that the company subjected a male employee to sexual harassment by a female co-worker and then retaliated against him for complaining about the unlawful conduct – along with two supervisors who tried to help.

In its lawsuit, the EEOC charged that a male employee at a Regal theater in Marina del Rey, California, a section of Los Angeles, was subjected to a sexually hostile workplace by a female co-worker who repeatedly touched him in an inappropriate manner. When the male victim and his direct supervisor complained to the theater's then general manager, she failed to take adequate steps to stop or prevent the harassment. Instead, the EEOC said, she retaliated against the harassed employee and two other supervisory employees (male and female), who are part of the EEOC's suit. The retaliation included unwarranted discipline, unfairly lower performance evaluations and/or stricter scrutiny of performance.

According to EEOC data, the percentage of men filing sexual harassment charges with the federal agency and state/local government agencies nationwide has increased over the past decade from 12 to 16 percent of all charges involving sexual harassment.

In addition to the monetary relief, the consent decree settling the case requires Regal Entertainment Group to: provide annual anti-discrimination training to its employees; closely track any future discrimination complaints to conform to its obligations under Title VII; and provide annual reports to the EEOC regarding its employment practices.