

When bias charges arise, never ignore EEOC

No matter how trivial you might consider discrimination or harassment charges leveled by your employees, never, ever ignore an EEOC complaint. It could wind up costing your organization dearly.

At some point, the EEOC may decide that the way to get your attention is to file a federal discrimination lawsuit on behalf of your employees. And if you ignore that notice, a court may just rule that you lost the case because you failed to respond.

Consider this recent case that resulted in a court order to pay \$100,000 to two former employees. The employer completely missed its chance to present a defense.

Recent case: Scottsdale Wine Café, an Arizona bar, allegedly allowed its management and line staff to harass two male servers, Wyatt and Jared. The men said they were subjected to egregious anti-gay name calling, sexually insulting innuendo and touching that was related to their actual or perceived sexual orientation.

Both men complained to their supervisor, but nothing changed. One supervisor even allegedly joined in the harassment after Wyatt and Jared brought their complaint to him

Then Wyatt said he was planning legal action to stop the harassment. He was terminated.

He followed through on his threat of legal action by getting in touch with the EEOC.

The EEOC followed its usual procedures for contacting employers accused of discrimination. The bar never answered. The EEOC filed a lawsuit on the men's behalf.

Scottsdale Wine Café ignored that, too.

The next step was easy for the EEOC, but disastrous for the bar. The commission moved for summary judgement. The court immediately agreed and found the employer liable for sexual harassment and retaliation. The bar now owes the men \$100,000.

Final note: Make sure you have processes in place for responding to all legal documents that arrive in the mail or via a process server. Generally, you have little time to respond. Missing a deadline may mean losing the case without a chance to present a defense.

The best approach: Immediately contact your attorney counsel anytime you receive an EEOC or other agency notice or are served with a state or federal lawsuit.