

HR Alert: Racial Harassment against White Employee

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Not all racial harassment claims are based on harassment against minorities. The issue is whether or not the harassing behaviors/actions were racially motivated. But for his/her race, would the behaviors/actions have taken place?

Jack In The Box Settles Suit Alleging White Employee Was Harassed

Jack in the Box will pay \$20,000 compensatory damages and provide other relief to settle a race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

The EEOC's suit (No. 3:08-cv-009663), filed in the U.S. District Court for the Middle District of Tennessee, had charged that Jack in the Box subjected hostess Frances Griffith to harassment because of her race (white) at its restaurant No. 6900 in Nashville, and failed to take prompt action to end the harassment when she complained about it. Several African American coworkers repeatedly called Griffith by obscene racial epithets. They also allegedly further insulted her when they learned she was pregnant with a mixed-race baby.

Failing to take prompt and effective remedial action in response to race-based harassment violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit after first attempting to reach a voluntary settlement.

Besides providing monetary relief, the one-year consent decree signed by U.S. District Judge Aleta A. Trauger on May 15, 2009, enjoins Jack in the Box from any employment practice at no. 6900 in Nashville which has the purpose or effect of discriminating against any employee on the basis of race. The decree also requires that Jack in the Box provide employment discrimination awareness training to all of its employees, supervisors, and management at the restaurant where Griffith was employed. Additionally, the restaurant will maintain records of all complaints made of racial harassment at the restaurant where she was employed and submit reports to the Commission regarding these complaints.

"Racial harassment directed at a white employee by black employees is just as illegal under federal law as the other way around," said Faye Williams, regional attorney for the EEOC's Memphis District Office. "This settlement demonstrates the EEOC's commitment to eradicating racial harassment in the workplace no matter who the victims or victimizers are. It also shows Jack in the Box's commitment to ensuring that similar issues do not reoccur in the future."



