

5.2.7: Case Study: EEOC Sues Helados La Tapatia for Hispanic-Preference Hiring

Non-Hispanic Applicants Turned Away From Entry-Level Positions, Federal Agency Charges

FRESNO – Helados La Tapatia, Inc., violated federal law when they failed to hire non-Hispanic applicants for entry-level positions because of their race/national origin, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to EEOC’s lawsuit, the Fresno, California-based company favored less-qualified Hispanic job applicants over all other applicants of a different race or national origin (including black, white and Asian applicants) in entry-level positions, such as Route Sales Driver. EEOC further contends that Helados not only failed to hire, but also discouraged and deterred non-Hispanic applicants from applying.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. EEOC filed its suit against the company in U.S. District Court for the Eastern District of California (EEOC v. Helados La Tapatia, Inc., et al., Case No. 1:20-cv-00722-DAD-JDP) after first attempting to reach a pre-litigation settlement through its conciliation process. EEOC’s suit seeks back pay, benefits, and compensatory and punitive damages for a class of non-Hispanic applicants, as well as injunctive relief intended to prevent further discrimination by Helados.

“EEOC’s core mission is to ensure equal employment opportunity for all,” said Anna Park, regional attorney for EEOC’s Los Angeles District Office, whose jurisdiction includes Fresno County.

Melissa Barrios, director of EEOC’s Fresno Local Office, added, “Employers must be aware of their responsibility under the law to provide employment opportunities to everyone, regardless of race or national origin.”

According to its website, www.heladoslatapatia.com, Helados produces Mexican-style desserts such as frozen fruit bars and ice cream products.

Individuals who know about Helados’ hiring practices or who believe that they were not hired by the company because of his or her race/national origin, can contact the EEOC at (855) 725-4456 for more information.

Eliminating barriers in recruitment and hiring, especially class-based recruitment and hiring practices that discriminate against racial, ethnic, and religious groups, older workers, women, and people with disabilities, is one of six national priorities identified by the Commission’s Strategic Enforcement Plan (SEP).

EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov.

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