

5.1.6: Case Study: EEOC Sues Rosebud Restaurants for Sexual Harassment and Retaliation

Server Was Sexually Harassed and Fired After Complaining About Harassment and Racial Slurs Against African-Americans, Federal Agency Alleges

CHICAGO - Chicago company Rosebud Restaurants violated federal civil rights laws by subjecting a server to sexual harassment and then firing her after she complained about sexual harassment and objected to employees in the company referring to African-Americans by racial slurs, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to Julianne Bowman, the EEOC's district director in Chicago, the EEOC's pre-suit investigation revealed that Tina Rosenthal, who worked as a server at Rosebud's now-closed Centro location, was subjected to sexual harassment by another server in 2013. The alleged harassment included unwelcome sexual comments and propositions and touching. Rosenthal complained about the harassment to managers, but Rosebud did not take adequate steps to address her complaints, the EEOC claims.

In September 2013, the EEOC sued Rosebud for failing to hire African-American applicants because of their race. After the EEOC filed suit, Rosenthal, who is white, objected during a company meeting to employees using racial slurs to refer to blacks. A few weeks later, according to the EEOC, Rosebud fired Rosenthal for pretextual reasons.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment and retaliation for complaining about or opposing discrimination.

The EEOC's race discrimination suit settled in May 2017 with a four-year consent decree providing \$1.9 million in monetary relief for black applicants who were denied jobs at Rosebud. The decree also required hiring goals for African-Americans, recruiting of black applicants, monitoring of Rosebud's hiring practices, and training.

The EEOC filed yesterday's suit against Rosebud after first attempting to reach a pre-litigation settlement through its conciliation process. The case (EEOC v. Rosebud Restaurants, Inc., Civil Action No. 17-cv-6815 was filed in U.S. District Court for the Northern District of Illinois, Eastern Division and assigned to Judge Samuel Der-Yeghiayan.

"Here, Rosebud was already facing a race discrimination lawsuit, and compounded the problem by firing an employee who objected to racially offensive comments," said Greg Gochanour, regional attorney of the EEOC's Chicago District Office. "The EEOC takes retaliation very seriously. The employment discrimination protections that Title VII provides are hollow if employees who oppose discrimination face reprisal. We will not let a retaliatory termination go unchallenged."

The EEOC's Chicago District Office is responsible for processing charges of employment discrimination, administrative enforcement and the conduct of agency litigation in Illinois, Wisconsin, Minnesota, Iowa and North and South Dakota, with Area Offices in Milwaukee and Minneapolis.

The 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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