

**JB'S SETTLES CLASS SEXUAL HARASSMENT AND
RETALIATION SUIT BY EEOC FOR \$435,000, OTHER RELIEF**

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'I Finally Have Closure' Says Female Victim in Egregious Case

SALT LAKE CITY – The U.S. Equal Employment Opportunity Commission (EEOC) and co-defendants JB's Family Restaurants, Inc. and Summit Family Restaurants Inc. have reached a settlement of an employment discrimination and retaliation lawsuit under Title VII of the 1964 Civil Rights Act for a total of more than \$400,000 plus injunctive relief for a class of female employees who were subjected to a sexually hostile work environment that included physical assault by managers. The harassment took place in several different restaurants located throughout the Salt Lake City Metropolitan Area. Some of the women were only teenagers when the harassment occurred.

The settlement calls for the defendants to pay 12 women a total of \$435,000, provide them with written apologies, offer them jobs, and conduct training over a period of five years (the duration of Summit's settlement agreement is three years). Each party is to bear its own attorneys' fees and costs. However, the Commission provides legal representation at no cost to the individuals it represents, so the women did not incur any attorneys' fees.

"I'm glad it's over," said Carla Hart, whose charge of discrimination laid the foundation for the EEOC litigation. "I finally have some closure now. I really appreciate everything the EEOC did."

In the lawsuit, the Commission alleged a female employee had been forcibly sexually assaulted by a manager; that managers sexually touched female employees without their consent; and that the company retaliated against at least one class member by firing her when she complained that a manager had touched her breasts. Defendants denied the allegations. The EEOC filed the lawsuit in Utah District Court, Central Division, (No. 2:01 CV 00439C).

"This is an excellent resolution of this litigation," said Mary Jo O'Neill, Regional Attorney for the EEOC's Phoenix District Office, which has responsibility for enforcing the federal anti-discrimination laws in Arizona, New Mexico and Utah. "This was an egregious case of sexual harassment ranging from vulgar sexual comments by managers to forcible sexual assaults upon female employees by managers. There was also retaliation against some of the women, including the termination of at least one woman, for complaining about the sexual harassment."

C. Emanuel Smith, EEOC Supervisory Trial Attorney, said: "Sexual harassment is still a serious problem in the U.S. workforce. EEO guidelines and Supreme Court rulings make it clear that employers are responsible for taking swift action to address and correct sexual harassment once they become aware of it. Unfortunately, that did not happen in this case."

EEOC Trial Attorney Michelle G. Marshall said, "We are very proud of the results we were able to achieve for the women. It's been a long road for the victims, particularly Ms. Hart, whose charge of discrimination formed the basis of the lawsuit. If it hadn't been for her courage in coming forward and filing a charge, this would not have been possible. In the end, we were able to achieve a fair settlement, that includes not only money to compensate the victims, but also injunctive relief to effect real changes in the workplace."

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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