

EEOC sues Golden Corral for disability, sexual harassment

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Jax, LLC, which operates a Golden Corral restaurant in Matthews, N.C., discriminated against an employee with a disability when it subjected him to a hostile work environment based on both his disability and his sex (male), the U.S. Equal



Employment Opportunity Commission (EEOC) charged in a lawsuit filed on Sept. 8. The lawsuit also alleges that the employee resigned because of the harassment.

According to the EEOC's complaint, Sean Fernandez worked as a dishwasher at the Matthews Golden Corral. Fernandez has high-functioning autism, which limits his ability to communicate and interact with others. From around March or April 2014 until January 2016, a male assistant manager created a hostile work environment by repeatedly referring to Fernandez as a "retard," calling him "stupid," using profanity, requesting oral sex, threatening to sexually assault him, and subjecting him to unwanted physical contact. Fernandez filed a complaint and requested to be moved to a different shift, so that he would not have to work with the male assistant manager. Fernandez resigned due to the harassment after he was again assigned to work with the same male assistant manager who again sexually harassed him.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects employees from discrimination based on their disabilities, as well as Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment. The

EEOC filed suit in U.S. District Court for the Western District of North Carolina, Charlotte Division (EEOC v. Jax, LLC d/b/a Golden Corral, Civil Action No. 3:17-cv-00535-RJC-DCK) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay and compensatory and punitive damages as well as injunctive relief.

“All employees, men and women alike, are entitled to a workplace free from sexual harassment,” said Lynette A. Barnes, regional attorney for the EEOC’s Charlotte District. “Likewise, all employees have the right to work without being harassed due to their disabilities. It is particularly alarming when harassment is perpetrated by a supervisor.”

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination.

For more information on the EEOC, [click here](#).

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