

## “I WANT MY. . . EEOC”: THE PITCH TO YOUNGER WORKERS

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The Equal Employment Opportunity Commission (“EEOC”) is paying particular attention to today’s youth at work, and the restaurant industry is under the microscope as a result. How does MTV figure into the equation? The answer may surprise you.

In September 2004, the EEOC introduced a “Youth@Work” nationwide outreach and education campaign. Its stated purpose was to inform teen workers about their workplace rights and responsibilities, and to work with employers to create positive early work experiences for teens. In support of its mission, the EEOC also created a teen-friendly web site ([www.youth.eeoc.gov](http://www.youth.eeoc.gov)), and provided content for a job discrimination page on MTV’s web site which links to the EEOC ([www.mtv.com/thinkmtv/features/discrimination/summer\\_jobs/](http://www.mtv.com/thinkmtv/features/discrimination/summer_jobs/)). The web sites describe common forms of job discrimination and harassment in everyday language, and inform teens of how to complain and – if necessary – how to file an EEOC charge (“Our services are free.”) In addition, the EEOC youth site describes several “real cases” in which the EEOC stepped in to obtain a settlement for a teen victim of harassment or discrimination. Not surprisingly, some of these cases were in the food service and hospitality industries.

A recent lawsuit illustrates the EEOC’s intention to focus its resources on promoting Youth@Work, and in taking a hard line against employers who do not take steps to prevent discrimination against teen workers. In March 2006, the EEOC publicly announced the settlement of a sexual harassment and retaliation lawsuit the agency filed in New Mexico on behalf of several teenage male workers of a McDonald’s franchisee (EEOC v. Pand Enterprises, Inc. d/b/a/ McDonald’s Restaurant, Civil Action No. CIV-05-204, D.N.M.). The EEOC declared its hope that the public settlement would help other young workers become aware of their rights under discrimination laws; the press release included a full paragraph describing the Youth@Work initiative.

As an industry that employs a large percentage of younger workers, restaurants should take notice of these developments. There are a number of steps you can take to reduce the chance that your business is on the receiving end of an EEOC charge.

- Conduct management/supervisory training on EEO laws and your no-harassment policies. Make sure your managers and supervisors know the serious consequences of non-compliance.
- As part of an Employee Handbook review, update your no-harassment/no retaliation policies. Are there multiple avenues to make a complaint? Are the policies posted or otherwise known to your younger workers?
- Consider whether a toll-free complaint “hotline” makes sense for your restaurant. An inexperienced employee may feel more comfortable making a complaint by telephone.
- Make sure that hiring and firing authority is not vested in first level supervisors. A company can be strictly liable for discriminatory or retaliatory employment decisions.
- The EEOC’s Youth@Work education program is bound to have an effect in the restaurant industry. If your HR house is in order, the effect will be a positive one.