

The U.S. Equal Employment Opportunity Commission

FOR IMMEDIATE RELEASE
December 6, 2004

Contact: Lynn Y. Bruner
District Director
(314) 539-7830
Cell (913) 530-0394

Robert G. Johnson
Regional Attorney
(314) 539-7910

Rebecca S. Stith
Senior Trial Attorney
(314) 539-7917

Anne E. Gusewelle
Senior Trial Attorney
(913) 551-6641

BURGER KING FRANCHISE PAYS \$400,000 FOR ALLEGED SEXUAL HARASSMENT OF TEENS

EEOC Lawsuit Said Female High School Students Subjected to Groping, Vulgar Sexual Comments, and Demands for Sex at Work

ST. LOUIS - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of a sexual harassment lawsuit against a Burger King franchise for \$400,000 to be paid to seven female employees, in addition to significant remedial relief – including extensive training and policy revisions – pursuant to a proposed Consent Decree filed today with the federal court in St. Louis. The young women had worked at a Burger King restaurant in the St. Louis suburb of Peerless Park, Missouri.

The EEOC's lawsuit [No. 4:03CV107 HEA], under Title VII of the 1964 Civil Rights Act, alleged that in 2000 and 2001, restaurant manager Nathan Kraus subjected the female employees, six of whom were high school students, to repeated groping, vulgar sexual comments, and demands for sex. According to the EEOC, several of the young women complained to assistant managers at the restaurant as well as to a district manager, but no one took action to stop the harassment. None of the female employees had received training on how to make a sexual harassment complaint.

After enduring weeks of abuse by the restaurant manager, the EEOC said, several of the women finally learned how to file internal complaints with the corporate office. Following a brief company investigation, Kraus was allowed to resign and one of the assistant managers, although initially reprimanded, was later promoted to a restaurant manager position.

The EEOC filed the lawsuit against Midamerica Hotels Corporation and Northwest Development Company, both based in Cape Girardeau, Mo. Midamerica and Northwest, which are owned by the same family, together or separately operate approximately 38 Burger King restaurants in Missouri, Arkansas, Illinois, and Kentucky. The seven women intervened in the EEOC's lawsuit as individual plaintiffs.

Under the Consent Decree, which still must be approved by the court, Midamerica and Northwest have agreed to pay the victims a total of \$400,000 in damages and attorneys' fees, and have further agreed not to rehire Kraus. In addition, the companies will conduct extensive sexual harassment training for management personnel, including eight hours of training for several upper-level managers, distribute the revised sexual harassment policy and procedure to all restaurant employees, and more prominently post an 800-number hotline for reporting harassment throughout their restaurants. For the two-year period of the Decree, the companies must report to the EEOC all internal complaints of sexual harassment involving employees at the Peerless Park restaurant. The seven women are represented by private attorneys William Moench and John Appelbaum.

Lynn Bruner, Director of the EEOC's St. Louis District Office, said, "This lawsuit could have been avoided if assistant managers and others had acted to stop the harassment when they first received complaints about the restaurant manager. We are pleased that the companies will compensate these young victims and

provide extensive training to their staff on sexual harassment."

Noting that her office has handled numerous teen harassment cases in recent years, Bruner added, "We hope this case serves as an example of why employers must take prompt, effective steps to respond to employee reports of sexual harassment and other forms of unlawful discrimination, especially as it relates to young workers."

Due to an increasing number of teen harassment cases over the past few years, the Commission recently launched an unprecedented national outreach and public education initiative called "Youth@Work." The program is being implemented over the course of the next year at agency field offices nationwide to address issues of discrimination against teenage employees and to increase awareness of their employment rights and responsibilities. Information about the initiative is available on the agency's web site at <http://www.eeoc.gov/initiatives/youth/index.html>.

EEOC enforces Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act which prohibits disability discrimination against employees in the private sector and state and local governments; certain prohibitions in the Rehabilitation Act against discrimination affecting individuals with disabilities in the federal sector; and certain sections of the Civil Rights Act of 1991. Further information about the agency is available online at www.eeoc.gov.

This page was last modified on December 6, 2004.



[Return to Home Page](#)