

# Where harassment hits hardest

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December 7, 2017



Four years ago, Tina Rosenthal was waiting tables at Centro Ristorante, a now-shuttered River North Rosebud Restaurants' spot.

Another server started making lewd remarks to her, Rosenthal says. Then one day, he groped her leg beneath her skirt and said, "If I wanted to, I could take you right here. You couldn't do anything about it." She complained to managers, who did little to address the problem, according to a September lawsuit filed by the Equal Employment Opportunity Commission. A few weeks after a company meeting where she objected that employees were using racial slurs, the restaurant dismissed her.

Lawyers for Rosebud say the company takes sexual harassment seriously and has a policy prohibiting it, but that Rosenthal never complained to managers. "When we saw the complaint that was filed in federal court, that was the first time we saw those types of allegations," says Laner Muchin partner Jennifer Naber in Chicago. In court filings, the company denied wrongdoing.

The nation is gripped in a public reckoning with sexual harassment in the workplace. High-profile men are being called to account for abusing their power in industries ranging from film to media to politics. But activists and federal data suggest that women in low-paying industries

are uniquely vulnerable to sexual harassment. Their options are limited by lack of money, education and sometimes English fluency or immigration status.

In the Chicago area, the average annual wage for servers is \$22,400. As EEOC attorney Richard Mrizek notes, "If you're a low-wage worker who needs every paycheck and doesn't have a rainy-day fund, the prospect of losing your job can be more daunting."

About 60 percent of women say they've been sexually harassed, with more than two-thirds saying it happened at work, according to a recent Quinnipiac University poll. Minority women are more likely to be targeted than white women, according to a 2016 EEOC report.

Roughly half the workers filing harassment charges with the EEOC between 2005 and 2015 did not specify their industry. Among those who did, 14 percent worked in accommodation and food services, 13 percent in retail, 12 percent in manufacturing and 12 percent in health care and social assistance. The problem, says Louise Fitzgerald, a professor emeritus at the University of Illinois at Urbana-Champaign who has studied sexual harassment, is that "these people are so disposable you can fire one person at 2 o'clock and have them replaced by 2:30."

## **RESTAURANTS, HOTELS, CASINOS**

Local EEOC lawyers say that, in Chicago, restaurants generate a lot of complaints. Rosenthal says the manager she told about the harassment promised action, but while the other server stayed away from her for about three weeks, he was not disciplined. Then one night he cornered her, slammed his fist on a table and told her she didn't know who she was dealing with. She reported the threat to a manager, who dismissed it. The incident left her so shaken a doctor later prescribed anti-anxiety medication.

In another instance, two women **told the Washington Post** that a manager at Chicago restaurant operator Alinea Group touched them inappropriately. Though management responded slowly, according to one of the employees, the company eventually fired the man.

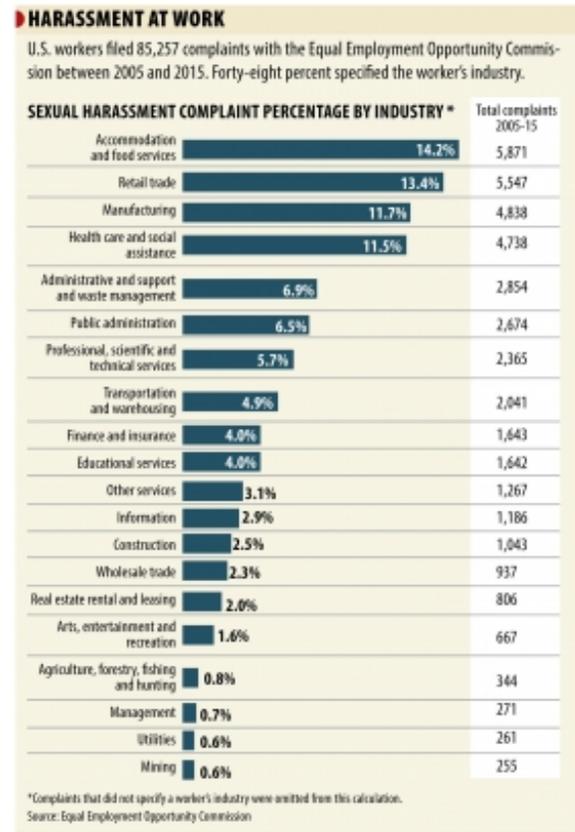
In the city's hotels and casinos, harassment of female workers is rampant, too. Labor union Unite Here Local 1 **surveyed nearly 500 female workers** in 2016 and found that 58 percent of the women in hotels had been harassed, as had 77 percent of the women in casinos. Usually the culprit was a guest.

Although it's difficult for any harassment victim to speak publicly, says attorney Karla Altmayer, co-founder of Chicago advocacy organization **Healing to Action**, low-paid workers, many of whom are black or Latino, struggle harder to be believed. Unlike celebrities, they cannot marshal the credibility conferred by wealth and fame. She points to the hotel maid who accused former International Monetary Fund chief Dominique Strauss-Kahn of sexual assault in 2011. Her motives were scrutinized after prosecutors dropped criminal charges. "Women in low-wage work are not (seen as) credible, mainly because (of people) thinking this is a money issue rather than a human dignity issue," Altmayer says.

On Oct. 11, Chicago's City Council voted that local hotels must develop an anti-sexual harassment policy by Jan. 7 and provide all employees with copies, and equip housekeepers with panic buttons by July 1. Jorge Ramirez, president of the Chicago Federation of Labor, says "now we need to turn our efforts to how it works."

Subcontracting and outsourcing also muddy responsibility for protecting workers. In 2013, Michele Nischan sued her former employer, Stratosphere Quality of Fishers, Ind., and one of its main customers, Fiat Chrysler. Nischan was an inspector at Stratosphere's Belvidere location. She said in her lawsuit that Fiat Chrysler's on-site representative harassed her; when she complained, he lobbied for Stratosphere to fire her, which it did. Though the 7th U.S. Circuit Court of Appeals ruled in August that Nischan could sue Stratosphere, it dismissed her claim against Fiat Chrysler because it was not her employer.

Stratosphere and Nischan signed a settlement in November. A company representative did not return a message seeking comment. Fiat Chrysler spokesman Michael Palese declines to comment.



In another case, the EEOC sued Anchor Staffing, a six-employee staffing firm headquartered in Chicago's Beverly neighborhood. The November lawsuit says that when a telephone operator placed at the Illinois Department of Human Services complained of harassment from another temp, the firm never gave her another assignment. But Anchor CEO Joyce Johnson says the woman raised the issue with the client, not with Anchor, her legal employer. Anchor took statements from both temps, and if the operator did not receive another assignment, she says, it was not deliberate.

### **'AN UNCOMFORTABLE PLACE'**

Because temporary workers can be on-site for months, rarely seeing their legal employers, staffing firms need "a cohesive relationship" with clients to make sure workers are protected, Johnson says. "We want to make sure the employee feels comfortable in not being mistreated when they are out there working for one of our clients."

Even from a slightly higher rung on the economic ladder, seeking redress can prove difficult. Ford **paid \$10.1 million in August to settle allegations** that female and black workers were harassed at plants on Torrence Avenue on the Far South Side and in Chicago Heights. Still, former Ford employee LaWanda King lost her job in 2013 and then lost her lawsuit in the 7th Circuit in October.

After King called the company's harassment hotline to complain about a supervisor, she was transferred to a new department and stopped receiving overtime. The company eventually terminated her for absenteeism, according to her 2013 lawsuit.

King's court filings included an affidavit from Grant Morton, the former United Auto Workers chairman at the Chicago plant, who said that a Ford manager warned that "your people better stop complaining" about sexual harassment. When Morton told a different manager that King feared she was being marked absent in error, the manager responded "that it would be helpful if Ms. King dropped her EEOC charge."

The court never considered Morton's affidavit. It granted summary judgment to Ford, saying King had waited too long to sue and that she hadn't proved her retaliation allegations.

Ford spokeswoman Kelli Felker says in an email that the company "does not tolerate sexual harassment or discrimination. We take those claims very seriously and investigate them thoroughly."