

Federal Court Issues Key Ruling In Favor Of Latina Kitchen Workers In Sexual Harassment Case Against McCormick & Schmick's

FOR IMMEDIATE RELEASE

March 25, 2020

Boston, MA — A favorable federal court decision brings five back-of-the-house Latina kitchen workers one step closer to trial in a sexual harassment lawsuit against national restaurant chain McCormick & Schmick's. In today's ruling, U.S. District Judge Indira Talwani held that a central figure in the women's complaint is a "supervisor" under the law – making McCormick & Schmick's automatically liable for any of his sexual misconduct proven at trial.

The lawsuit was filed in December 2017, at the height of the #MeToo movement. As one of the nation's first sexual harassment lawsuits in the restaurant industry, the case has drawn closer attention to vulnerable low-wage workers who have often been overlooked in the national media coverage of #MeToo. The plaintiffs are represented by **Lawyers for Civil Rights** and *pro bono* co-counsel, **Steve Churchill** and **Rachel Smit of Fair Work P.C.**

The sexual harassment lawsuit describes a humiliating and sexually offensive work environment at McCormick & Schmick's Faneuil Hall location in Boston, where women were forced to endure repeated lewd comments and groping from male employees, including the Executive Chef and Sous Chef. In the motion that was the subject of today's decision, Plaintiffs sought a ruling that the Sous Chef qualified as a supervisor under Massachusetts' sexual harassment law, which would make the restaurant liable for the sexually harassing conduct he committed. Judge Talwani agreed, stressing that a supervisor, under Massachusetts state law, is not determined by titles or the power to hire or fire; rather there must simply be "some modicum of authority," such as the authority to assign work, impose particularly exacting scrutiny, or a responsibility to protect other workers from sexual harassment."

"This decision is a powerful reminder that Massachusetts law provides broad protection against sexual harassment in the workplace and holds employers strictly accountable if their supervisors engage in this conduct," said Attorney Sophia Hall from Lawyers for Civil Rights.

Last week, LCR and Fair Work also successfully defeated a motion by McCormick & Schmick's to dismiss one of the sexual harassment victims from the lawsuit.

Defendants argued that witnessing and working within a humiliating and sexually offensive work environment was not sufficient to raise a viable legal claim. Judge Talwani rejected that flawed argument, stating that “[t]he court finds no requirement in the statutory scheme, case law, or common sense that would preclude a hostile work environment claim because sexual conduct and statements were directed at co-workers only.”

“Our client worked in relative isolation, away from the public and in cramped quarters, which contributed to her fear and sense of vulnerability,” said Attorney Rachel Smit of Fair Work P.C. “Judge Talwani’s decision called out the importance of those facts, which are common to many low-wage jobs.”

“Instead of fighting against survivors of sexual harassment and dragging out this #MeToo case in federal court, McCormick & Schmick’s should come out in front of this workplace injustice. We stand ready to continue fighting in court for the rights and dignity of each of our courageous clients,” added Attorney Sophia Hall.

The decisions are attached. For further inquiries, please contact Attorney Sophia Hall at shall@lawyersforcivilrights.org.