

Sony to Pay \$85,000 under Decree Resolving EEOC Disability Discrimination Suit

Article By:

U.S. Equal Employment Opportunity Commission

Electronics Giant Allegedly Engineered Firing of Employee Because of Her Prosthetic Leg

CHICAGO - **Sony Electronics, Inc. will pay \$85,000 under a consent decree** entered in federal court today ending a **lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC)**. The EEOC alleged that Sony violated the Americans with Disabilities Act (ADA) when it brought about the termination of a woman with a prosthetic leg because of her disability.

The employee had been sent by Staffmark Investment LLC, a staffing agency, to inspect Sony televisions on a temporary basis at a facility located in Romeoville, Ill. According to the EEOC, on the employee's second day on the job, a Staffmark employee approached and removed the employee from the worksite, explaining that there were concerns she would be bumped into or knocked down.

Julianne Bowman, the EEOC Acting Chicago District Director who managed the agency's investigation, said, "We found that although the employee's removal was executed by Staffmark employees, it was actually prompted by a request from Sony's management which made Sony complicit in the discrimination."

The EEOC filed suit against both Staffmark and Sony. The case against Staffmark ended in a consent decree entered June 25, 2013 under which Staffmark paid \$100,000 to the employee.

The consent decree, entered today by U.S. District Judge James B. Zagel of the Northern District of Illinois, ends the EEOC's lawsuit against Sony and provides an additional \$85,000 in monetary relief to the victim. The decree also requires Sony to report all employee complaints of disability discrimination to the EEOC for the next two years. Sony must also train certain of its managerial and supervisory employees on the laws pertaining to employment discrimination, including the ADA. The decree also specifically provides that Sony cannot require the employee to keep the facts underlying the case confidential, waive her rights to file charges of discrimination with a government agency, or refrain from applying for work with Sony or any of its clients.

John Hendrickson, the EEOC's regional attorney in Chicago, said, "The ADA provides robust employee protections, even for short-term temporary workers hired through staffing agencies. Smart employers will learn from this case that they cannot insulate themselves from liability for

discrimination by acting through employment and staffing agencies. That's axiomatic under the civil rights laws we enforce-if you can't do it directly, you can't do it through someone else."

EEOC filed the case, *EEOC v. Staffmark Investment LLC and Sony Electronics, Inc.*, No. 12-cv-9628, on Dec. 4, 2012, after first attempting to reach a negotiated settlement through the agency's conciliation process. EEOC Trial Attorneys Ann Henry and Brad Fiorito, and Supervisory Trial Attorney Diane Smason, litigated the case on behalf of the government.

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