

MCDONALD'S FACES CLASS ACTION LAWSUIT OVER SEXUAL HARASSMENT, HOSTILE WORK ENVIRONMENT ACCUSATIONS

Hodgson Russ Food & Beverage Alert
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Fast food giant *McDonald's* is facing a class action lawsuit in the United States District Court for the Northern District of Illinois over alleged sexual harassment, hostile work environment, and retaliation. McDonald's moved to dismiss the case and the Judge denied the motion.

Background

In July 2021, two female employees who worked at a Sanford, Florida McDonald's location filed the lawsuit. This particular location is corporate owned and operated by the Illinois-based McDonald's, which has more than 100 restaurants and employs over 6,000 workers in Florida.

Jamelia Fairley, one of the plaintiffs in the lawsuit, claims that two male co-workers verbally and physically harassed her for several years, repeatedly asking inappropriate sexual questions and engaging in unwanted physical contact. Fairley claims her co-workers frequently witnessed the physical sexual harassment, as did a shift manager, who did not report it or take any steps to stop it. Fairley also complained to additional shift managers and the restaurant's general manager. Several shift managers allegedly spoke to the two men accused of the harassment, but did not take steps to prevent or stop future acts.

Eventually, the restaurant's general manager forwarded Fairley's allegations to an operations consultant who supervised a group of *McDonald's* restaurants. When confronted by the operations consultant, one of the men accused of harassment confessed and was terminated. But Fairley claims there was no meaningful investigation into the accusations against the other male employee. That worker was transferred to a different store for unrelated reasons. Fairley further alleges that, even after the two men were transferred or terminated, they continued visiting the Sanford, Florida restaurant where she worked and continued to confront and harass her. When Fairley requested a transfer, the operations consultant offered to transfer her to the same store to which one of the harassers had been transferred.

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Ashley Reddick, the other plaintiff in the lawsuit, detailed similar allegations of harassment. Reddick claims that she was subjected daily to verbal and physical sexual harassment by a male co-worker, which was not addressed. Reddick claims that, when she reported the harassment to management, they made no attempt to discipline the male employee and the harassment continued. She also claims to have reported sexual harassment from customers to the general manager, who did not take action. Reddick claims she was terminated due to her opposition to, and reporting of, harassment by her coworker.

Fairley and Reddick are not the only employees suing *McDonald's* for sexual harassment violations. Several teenagers have reported facing similar experiences while employed at *McDonald's*. An attorney for the ACLU has [noted](#) that "the food service industry generally is one of the worst for sexual harassment claims." In fact, within the past year, a [survey](#) of roughly 800 female employees at *McDonald's* restaurants and franchises found that three-fourths allege they were harassed on the job.

And 71% of those women said that they suffered consequences for reporting the behavior. *Id.*

Reminders for Food & Beverage Employers

The allegations in this lawsuit underscore the importance of maintaining and complying with sexual harassment policies and procedures in the Food & Beverage industry. In light of, among other societal factors, the #MeToo Movement, employers have faced far more sexual harassment claims in recent years than historically. Food & Beverage Employers must have proper procedures in place to thoroughly investigate and combat sexual harassment or subsequent retaliation.

For example, Food and Beverage employers must have a sexual harassment training program and ensure that all employees receive this training – as required by New York State. Annual training aids in combating sexual harassment as it educates employees about the different forms of sexual harassment in the workplace. Likewise, aggrieved employees become aware of the process to file a complaint internally and with the requisite governmental agencies. One of the chief complaints noted in almost every claim against *McDonald's* is that employees who raised sexual harassment concerns were retaliated against or their claims were not investigated thoroughly. It is imperative for Food & Beverage employers to have proper documented procedures in place that address investigations and inform employees that retaliatory conduct is prohibited under state and federal law, and to follow these procedures each time an incident is reported.

If you are a Food & Beverage employer and require assistance drafting a sexual harassment policy and procedure or want to ensure your current policy is compliant with applicable laws, please contact [Reetuparna Dutta](#), [Andrew Freedman](#), [Asia Evans](#) or any of our attorneys in the [Food & Beverage practice group](#).