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Lawsuits Shed New Light on Sexual Harassment of Teens – More Young Workers File Complaints

By Amy Joyce, Washington Post Staff Writer

In the summer after her junior year in high school, Amanda Nichols took a job as a server at the local Steak n Shake chain, outside St. Louis, hoping to make some money for college.

Almost 3 million youngsters ages 15 to 17 work during the school year, and like Nichols, about 4 million during the summer. For many, that first after-school or summer job, spent taking people's orders or keeping an eye on swimmers, means entry into a new world: a first paycheck, time away from parents, and new friends. But for others, the experience is memorable for another reason.

Nichols, then 17, claims she spent her shifts dodging the come-ons of an older cook who pulled on her apron, touched her and made sexually explicit remarks. She said she complained to managers and asked to be moved away from the man, but a manager refused.

Then one night, as Nichols went to her car in the parking lot, the cook followed her, she alleged, threatened her and exposed himself. She complained again, and when she told her manager to choose between the cook and her, she said she was told it might be best if she left, which the teenager did.

But Nichols responded to her experience by doing a very adult thing: going to court. Today, Nichols is a sophomore in college, and the Equal Employment Opportunity Commission is suing Steak n Shake Operations Inc. on her behalf for sexual harassment and constructive discharge. Steak n Shake has denied the charges in court filings.

Awareness of sexual harassment grew during the 1990s, particularly as Anita Hill accused now-Supreme Court Justice Clarence Thomas of sexual harassment in hearings that riveted the country. That awareness has trickled down to teenagers who might have looked upon some harassment as teasing in years past and now find they don't have to put up with it.

In Nichols's case, her father hired a lawyer who took her complaint to the EEOC, one of 25 such lawsuits the agency has filed or resolved on behalf of teens this year, compared with eight in 2002.

A Los Angeles area Jiffy Lube franchise, for example, paid \$300,000 to three female employees, including two 17-year-old high school students who said supervisors and co-workers targeted them with lewd gestures and explicit references to sexual acts. A Jiffy Lube International Inc. spokesman said the issue was handled directly by the franchisee.

Jack in the Box Inc. paid a \$300,000 settlement in June after five female workers in Seattle – including three between ages 16 and 21 – sued the company, claiming they were subjected to constant lewd remarks and sexual overtures by their direct supervisor. A company spokesman said, according to a news release from the EEOC, that “although our investigation of the allegations in this case showed that we fully complied with our legal obligations, we agreed to increase our training efforts to make sure all employees are treated with respect and consistent with our company policies.”

And a Red Lobster restaurant in Kansas settled for \$60,000 a suit brought by a 19-year-old server who alleged she was touched inappropriately and subjected to sexual comments by a male co-worker. The restaurant’s management ignored complaints until she quit, her suit charged. The company admitted no wrongdoing. A Red Lobster spokeswoman said: “Our company does not tolerate any form of harassment or unwelcome advances.”

“Teens are particularly vulnerable because they are new to the workplace, they are impressionable and are more likely than not at the bottom rung,” said Jocelyn Samuels, vice president for education and employment with the National Women’s Law Center. “They feel less authorized to complain, and they may not know that procedures are available to them.”

“As long as humans have a dark spot, you can find a more sophisticated co-worker who takes advantage of someone more naive,” said Naomi C. Earp, vice chairwoman at the EEOC, which launched a program this fall to train youths in high schools about sexual harassment after noticing an increasing number of such complaints.

Some teens who are taunted or touched may think the actions are not serious or assume that the culture is just part of work life, said Adele Rapport, regional attorney for the EEOC in Detroit. Her office has seen a number of teen harassment cases.

“A very small percentage of women complain. That’s part of the issue with teens,” Rapport said. “They are not sophisticated enough to know how to use those kinds of resources to report it.”

Since teens are new to the workforce, they expect the same teasing that happens in high school hallways, experts say, but when teasing is taken to another level, they do not know what to do, particularly if it involves an older co-worker.

In one of the few studies that has measured sexual harassment occurrences among teens who work part time, 35 percent of 712 high school students surveyed said they had experienced it.

“Part of the problem is they have no frame of reference,” said Susan Fineran, a University of Southern Maine social work professor who conducted the study. “These are girls’ first jobs.”

That naiveté seems to be changing. “I think the schools are now starting to do more training and put the word out to the kids because schools have their own sexual harassment problems to worry about,” said Craig Pratt, a human resources consultant in Oakland, Calif. “Today’s teens have more awareness than they had four or five years ago because schools have had to ramp up their awareness of it.”

Companies are also more aware of sexual harassment issues and are increasingly providing harassment training to new employees, which makes employees more aware of right and wrong, said Susan Strauss, a consultant who specializes in teen harassment. “I think it sounds like teens are taking heed,” she said. “Workplaces as a whole . . . are taking the issue of harassment a little bit more seriously. It makes sense that teens are recognizing it.”

Tiffany Grabin, now 25, was the complainant in one of the first cases in which the EEOC focused on teens being harassed at work. When Grabin was 18 and working at a now-defunct athletic footwear store in San Jose, she alleged that a co-worker and a supervisor sexually teased her, taunted her and goaded customers into propositioning her. When the primary harasser put his hands around her neck and asked, “What would your boyfriend do if I snapped your neck right now?” Grabin quit.

“I knew that it’s not appropriate to be treated that way, but I didn’t know what to do about it,” Grabin, who now lives and goes to school in Los Angeles, said in an interview. “Part of the problem was management. When a grown man is saying things about you, how do you complain to him?”

Her mother found a lawyer, and Grabin’s case ended up with Marcia Mitchell, senior trial attorney for the EEOC in San Francisco. “Since then, we’ve paid much more attention to when charges involved teenagers. Now we’re tuned in and seeing more of it,” Mitchell said.

The case against the store was settled in March 2001, and Grabin received \$111,250, according to the EEOC.

“Just because you’re a teenager doesn’t mean you don’t have rights,” Grabin said. “There are laws, and if you know your rights, you are better able to stand up for yourself.”

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