



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Norfolk Local Office

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Charge Number: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Charging Party

v.

The Gerard Group, Inc.
322 W Main St.
Wakefield, VA 23888

Respondent

DETERMINATION

I issue the following determination on the merits of this charge. Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. Timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleges she was subjected to sexual harassment and a hostile work environment based on her sex (female). Charging Party also alleges that she was denied a wage increase and discharged in retaliation for participating in protected activity, all in violation of Title VII of the Civil Rights Act of 1964, as amended. Respondent denies Charging Party's allegations.

Examination of the evidence supports Charging Party's allegation that she was subjected to a sexually hostile work environment and does not support Respondent's denial. The evidence shows that Charging Party, a minor female employee, worked for Respondent at its Virginia Diner restaurant in Wakefield, Virginia, where a Kitchen Manager/Assistant General Manager exercised supervisory authority over her. During the relevant period, Charging Party was subjected to unwelcome physical touching on her back, down toward her buttocks, and to repeated comments of a sexual nature, including inquiries about her sexual activity and virginity and statements about "getting between her legs," as well as other offensive remarks concerning her need for a "real man." Charging Party also contemporaneously observed or learned of similar sexual comments and touching directed toward other young female employees.

The evidence shows that Respondent knew or should have known of the harassment and failed to take prompt and effective corrective action. Prior to and during Charging Party's employment, multiple young women reported the same Kitchen Manager/Assistant General Manager's unwanted touching to the General Manager. Respondent's response consisted of undocumented verbal counseling, no formal discipline or monitoring, no meaningful training, and a limited, manager-only inquiry following Charging Party's charge, after which the Manager was retained and later promoted. This conduct constitutes a failure

to exercise reasonable care to prevent and correct sexual harassment, and the evidence supports a finding that Respondent subjected Charging Party to a hostile work environment because of sex in violation of Title VII.

The evidence obtained during the investigation is insufficient to establish that Respondent retaliated against Charging Party by discharging her in violation of Title VII or when it denied her a wage increase, or other benefits based on sex. However, this does not certify that Respondent is in compliance with Title VII on these or any other issues.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of the matter. **The Commission has set the date for the conciliation conference as June 30, 2026. If Respondent wishes to participate in conciliation, please notify Investigator [REDACTED] via email at [REDACTED] within ten (10) days from the date of this Letter of Determination and confirm the date for the conciliation conference. If the proposed date is not acceptable, Respondent should promptly propose alternate dates in your email.** The confidentiality provisions of Title VII and Commission regulations apply to information obtained during conciliation.

If Respondent declines to discuss settlement, or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

TaKeesha R.W. Love
Acting Director, Norfolk Local Office

cc:

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]