



U.S. Equal Employment Opportunity Commission

Press Release

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Weis Markets to Pay \$75,000 in EEOC Sexual Harassment, Disability Discrimination Suit

Federal Agency Charged Grocery Store Chain Subjected Employee to Sexual Harassment and Fired Her When She Refused to Undergo Unlawful Medical Examination

HARRISBURG, Pa. – Weis Markets, Inc., will pay \$75,000 and furnish other relief to settle a sexual harassment and disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's lawsuit, a male supervisor at Weis Markets' grocery store in Mifflintown, Pennsylvania, subjected a female employee to a sexually hostile work environment that included unwanted physical contact and sexual comments. Another supervisor witnessed some of this conduct and failed to take action to stop it, and when the female employee reported the conduct to the general manager, Weis Markets failed to take reasonable action to end the harassment and prevent its reoccurrence, the EEOC charged.

The EEOC's lawsuit also alleged that Weis Markets later required the female employee to participate in the company's employee assistance program (EAP) as a mandatory condition of her continuing employment, which would have included

mental health counseling, despite the company lacking any reasonable belief based on objective evidence that the female employee was unable to perform essential functions of her job or presented a direct threat to herself or others. When the female employee refused to participate in the company's EAP, the EEOC charged, Weis Markets suspended and then fired her.

The EEOC brought claims against Weis Markets under Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sexual harassment in employment, and Titles I and V of the Americans with Disabilities Act of 1990 (ADA), which prohibit disability discrimination and retaliation in employment. The EEOC filed suit (U.S. EEOC v. Weis Markets, Inc., Civil Action No. 1:23-cv-01767) in U.S. District Court for the Middle District of Pennsylvania (Harrisburg) after first attempting to reach a pre-litigation settlement through the agency's conciliation process.

The EEOC and Weis Markets subsequently settled the case by a mutually agreed consent decree before the federal court made any findings concerning the EEOC's claims. On June 17, the federal court approved the decree, resolving the litigation. In addition to paying \$75,000 to the female employee, Weis Markets agrees to the following conditions going forward: the company is prohibited from creating a sexually hostile work environment; from requiring employees to participate in the EAP when that would entail unlawful medical examinations or disability-related inquiries; and from taking adverse actions against employees because they refused to undergo unlawful medical examinations or disability-related inquiries in the EAP.

Weis Markets is also required to create a policy about referral of employees to the EAP; provide mandatory training about Title VII, the ADA, and its new EAP policies; and report information to the EEOC concerning future sexual harassment complaints or revisions to its EAP policy.

"The EEOC commends Weis Markets for working cooperatively and in good faith with the EEOC to find an appropriate resolution of this case," said EEOC Regional Attorney Debra Lawrence. "This settlement provides fair compensation to the aggrieved employee in question, and going forward, it also promises to greatly benefit Weis Markets' workers, the company, and the public interest."

EEOC Philadelphia District Director Jamie Williamson said, "Company-sponsored employee assistance programs are valuable resources for employees to seek and receive support for their personal and professional well-being and often involve delivery of behavioral health services. But an employer requirement that an

individual worker must participate may very well violate rights protected by the Americans with Disabilities Act, including the right to be free from medical examinations and disability-related inquiries that are not job-related and consistent with business necessity.”

For more information on sexual harassment or disability discrimination, please visit <https://www.eeoc.gov/sexual-harassment> (<https://www.eeoc.gov/sexual-harassment>) or <https://www.eeoc.gov/laws/guidance/enforcement-guidance-disability-related-inquiries-and-medical-examinations-employees> (<https://www.eeoc.gov/laws/guidance/enforcement-guidance-disability-related-inquiries-and-medical-examinations-employees>).

The EEOC’s Philadelphia District Office has jurisdiction over Pennsylvania, West Virginia, Maryland, Delaware, and parts of New Jersey and Ohio. Attorneys in the EEOC Philadelphia District Office also prosecute discrimination cases in Washington, D.C., and parts of Virginia.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all. More information is available at www.eeoc.gov (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our [email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).

Recent Press Releases from the Philadelphia District Office

[Medsurant Health to Pay \\$80,000 to Settle EEOC Sex Discrimination Lawsuit](https://www.eeoc.gov/newsroom/medsurant-health-pay-80000-settle-eeoc-sex-discrimination-lawsuit) (<https://www.eeoc.gov/newsroom/medsurant-health-pay-80000-settle-eeoc-sex-discrimination-lawsuit>)

[UFP Ranson, LLC to Pay \\$215,000 to Settle EEOC Race and Religious Harassment Suit](https://www.eeoc.gov/newsroom/ufp-ranson-llc-pay-215000-settle-eeoc-race-and-religious-harassment-suit) (<https://www.eeoc.gov/newsroom/ufp-ranson-llc-pay-215000-settle-eeoc-race-and-religious-harassment-suit>)

[EEOC Sues Pennsylvania Manufacturing Facility for Sexual Harassment](https://www.eeoc.gov/newsroom/eeoc-sues-pennsylvania-manufacturing-facility-sexual-harassment) (<https://www.eeoc.gov/newsroom/eeoc-sues-pennsylvania-manufacturing-facility-sexual-harassment>)

Recent Press Releases on the Subject of Harassment, Sexual Harassment

Honolulu Restaurant and HR Company to Pay \$115,000 in EEOC Sexual Harassment Lawsuit (<https://www.eeoc.gov/newsroom/honolulu-restaurant-and-hr-company-pay-115000-eeoc-sexual-harassment-lawsuit>)

Pacific Culinary and CB Foods to Pay \$245,000 in EEOC Sexual Harassment and Retaliation Lawsuit (<https://www.eeoc.gov/newsroom/pacific-culinary-and-cb-foods-pay-245000-eeoc-sexual-harassment-and-retaliation-lawsuit>)

The Cleaning Authority-Fox Valley to Pay \$200,000 to Settle EEOC Sexual Harassment and Retaliation Lawsuit (<https://www.eeoc.gov/newsroom/cleaning-authority-fox-valley-pay-200000-settle-eeoc-sexual-harassment-and-retaliation>)