



**U.S. Equal Employment Opportunity Commission**

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## **Press Release**

09-22-2023

# **EEOC Sues Amerigo Restaurant for Sexual Orientation Discrimination and Retaliation**

Restaurant Tolerated Ongoing Harassment and Fired Employee After He Complained, Federal Agency Charges

MEMPHIS, Tenn. – 4Top Hospitality Group, Inc. and J.H.S. Holdings, LLC, operating as an integrated enterprise and doing business as Amerigo Italian restaurant in Memphis, violated federal law when it subjected an employee to sexual orientation discrimination and discharged the employee in retaliation after he complained of the discrimination, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit announced today.

According to the EEOC's lawsuit, managers of the Italian eatery cultivated a hostile environment when they permitted the Memphis waitstaff to target a gay employee with homophobic slurs, insults and profane, discriminatory attacks. The employee complained of the treatment, but Amerigo did nothing to stop it and allowed the harassment to continue for months. Amerigo then fired the gay employee for allegedly not showing up to work and not notifying a supervisor. The employee, however, had reached out to Amerigo's management for assistance. Amerigo did not treat other employees who were not gay in a similar manner, the EEOC said.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating against any individual because of the individual's sexual orientation and from retaliating against an employee because he or she opposed unlawful discrimination. The EEOC filed suit in U.S. District Court for the Western District of Tennessee, Civil Action No. 2:23-cv-02604, after first attempting to reach a pre-litigation settlement through its conciliation process. The suit seeks monetary relief in the form of back pay, compensatory damages, and punitive damages, and injunctive relief intended to prevent Amerigo from engaging in further discrimination, harassment, and retaliation.

“The Supreme Court has made clear that discrimination based on a person's sexual orientation is unlawful,” said Edmond Sims, acting director of EEOC's Memphis District Office. “The EEOC remains committed to holding accountable those employers who violate the rights of their employees.”

For more information on sexual orientation and gender identity discrimination, visit [www.eeoc.gov/sexual-orientation-and-gender-identity-sogi-discrimination](http://www.eeoc.gov/sexual-orientation-and-gender-identity-sogi-discrimination) (<http://www.eeoc.gov/sexual-orientation-and-gender-identity-sogi-discrimination>). For more information on harassment, please visit <https://www.eeoc.gov/harassment> (<https://www.eeoc.gov/harassment>). For more information on retaliation, please visit <https://www.eeoc.gov/retaliation> (<https://www.eeoc.gov/retaliation>).

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://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>).