



U.S. Equal Employment Opportunity Commission

Press Release

09-25-2023

EEOC Sues Fricker's for Sex Discrimination

Midwestern Restaurant Chain Denied Front-of-House Positions to Males, Federal Agency Charges

INDIANAPOLIS – Fricker's U.S.A., LLC, and Fricker's Holding Company, Inc., operators of the Fricker's restaurant chain headquartered in Ohio, violated federal law by discriminating against males for jobs, the U.S. Equal Employment Opportunity Commission (EEOC) announced in a lawsuit filed today.

According to the EEOC's lawsuit, Fricker's, which has locations in Ohio, Indiana and Michigan, has a long-standing policy and practice of hiring only female applicants for server positions and other front-of-house jobs in the restaurants. The restaurants steer male applicants to kitchen positions, the EEOC charged.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex. The EEOC filed suit in U.S. District Court for the Southern District of Ohio (Case No. 1:23-cv-00605-JPH) after first attempting to reach a pre-litigation settlement through the agency's conciliation process. The agency is seeking injunctive relief to prohibit Fricker's from engaging in future unlawful discrimination on the basis of sex, reinstatement of rejected and deterred qualified male applicants, backpay, compensatory damages, and punitive damages for the victims.

“We encourage employers to examine their hiring practices to ensure their decisions comply with federal law,” said Kenneth L. Bird, regional attorney for the Indianapolis District Office. “Title VII prohibits sex discrimination except in very narrow circumstances.”

Maria Saldivar, director of the EEOC’s Cincinnati Area Office, said, “Denying men the chance to compete for a job simply because of their gender violates federal law— even if the employer assumes customers would prefer to be surrounded by female servers. Restaurant customer preferences are not an excuse for any kind of discrimination. The EEOC will continue to pursue the eradication of this type of unlawful behavior.”

For more information on sex-based discrimination, please visit

<https://www.eeoc.gov/sex-based-discrimination> (**<https://www.eeoc.gov/sex-based-discrimination>**).

The EEOC’s Indianapolis District Office oversees Indiana, Michigan, Kentucky, and parts of Ohio.

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>**). 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>**).