



U.S. Equal Employment Opportunity Commission

Press Release

01-22-2024

T.C. Wheelers to Pay \$25,000 to Settle EEOC Sex Harassment Lawsuit

Federal Agency Charged That a Transgender Cook at Tonawanda Pizzeria Was Subjected to a Hostile Work Environment Based on Gender Identity

BUFFALO, N.Y. – T.C. Wheelers, Inc., a restaurant that operates as T.C. Wheelers Bar & Pizzeria in Tonawanda, New York, has agreed to pay \$25,000 and provide other relief to settle a sex-based harassment lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC’s lawsuit, the owners and staff of the restaurant verbally harassed Quinn Gambino, a transgender man, by making crude and derogatory references to his transgender status, including telling him that he “wasn’t a real man,” and asking invasive questions about his transition and genitalia.

The EEOC also alleged that the owners repeatedly and intentionally misgendered Gambino by using female pronouns and failed to correct the behavior of employees and customers who did the same. Although the employee reported the harassment to his manager on several occasions, the behavior continued until the employee was compelled to resign.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination, including that based on gender identity and gender expression.

The EEOC filed suit in U.S. District Court for the Western District of New York (EEOC v. T.C. Wheelers, Inc. d/b/a T.C. Wheelers Bar & Pizzeria, Civil Action No. 1:23-cv-00286) after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the three-year decree settling the suit, T.C. Wheelers agreed to pay Gambino \$25,000 in back pay and compensatory damages. The decree provides that T.C. Wheelers institutes and enforces equal employment opportunity policies that include a strong and clear commitment to preventing unlawful sex discrimination and harassment, including discrimination and harassment towards transgender persons. To ensure compliance, T.C. Wheelers has hired an independent human resources monitor who will supervise and investigate all employee complaints.

Additionally, all owners, managers, and employees will be required to complete training on federal anti-discrimination employment laws, with a special emphasis on issues relating to gender identity and expression. T.C. Wheelers, through its independent human resource monitor, will provide annual reports to the EEOC regarding its implementation of these and other terms of the decree, and the EEOC will retain the right to inspect the company's business records and premises to ensure compliance.

“We appreciate T.C. Wheeler's agreement to settle this lawsuit and make proactive changes, and we are proud to have obtained an effective resolution that compensates Gambino for what he endured and helps ensure that other transgender employees will be treated fairly in the future,” said Jeffrey Burstein, regional attorney for the EEOC's New York District Office.

EEOC New York District Director Yaw Gyebi, Jr. added, “The EEOC considers protecting members of the LGBTQIA+ community to be an important enforcement priority. We will continue to assure that transgender employees receive the full benefit of federal anti-discrimination laws in all industries.”

More information is available at www.eeoc.gov (<http://www.eeoc.gov>). For more information about sex discrimination visit <https://www.eeoc.gov/laws/guidance/sex-discrimination> (<https://www.eeoc.gov/laws/guidance/sex-discrimination>).

The EEOC's New York District Office is responsible for processing discrimination charges, administrative enforcement, and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New

Jersey, Rhode Island and Vermont. The agency's Buffalo Local Office conducted the investigation resulting in this lawsuit.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov (<https://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 Buffalo Local Office

[EEOC Sues T.C. Wheelers for Harassing and Driving Out Transgender Employee](https://www.eeoc.gov/newsroom/eeoc-sues-tc-wheelers-harassing-and-driving-out-transgender-employee) (<https://www.eeoc.gov/newsroom/eeoc-sues-tc-wheelers-harassing-and-driving-out-transgender-employee>)

Recent Press Releases on the Subject of Sex

[Walmart to Pay \\$60,000 to Settle EEOC Sex Discrimination Lawsuit](https://www.eeoc.gov/newsroom/walmart-pay-60000-settle-eeoc-sex-discrimination-lawsuit) (<https://www.eeoc.gov/newsroom/walmart-pay-60000-settle-eeoc-sex-discrimination-lawsuit>)

[EEOC Sues Ohio Nursing and Rehabilitation Facility for Age, Sex Discrimination](https://www.eeoc.gov/newsroom/eeoc-sues-ohio-nursing-and-rehabilitation-facility-age-sex-discrimination) (<https://www.eeoc.gov/newsroom/eeoc-sues-ohio-nursing-and-rehabilitation-facility-age-sex-discrimination>)

[Mexico Restaurant Settles EEOC Sexual and Racial Harassment Lawsuit](https://www.eeoc.gov/newsroom/mexico-restaurant-settles-eeoc-sexual-and-racial-harassment-lawsuit) (<https://www.eeoc.gov/newsroom/mexico-restaurant-settles-eeoc-sexual-and-racial-harassment-lawsuit>)