



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues TKO Construction Services for Sex, Race and Age Discrimination, and Constructive Discharge

Federal Agency Charges Employee Was Forced to Resign After Company President Told Her Discriminate Against Women, Blacks and Older Workers

MINNEAPOLIS – TKO Construction Services violated federal law when it discriminated against a class of individuals by failing or refusing to hire or assign work to women, Black, or older individuals, and forced an employee to resign who refused to comply with the discriminatory hiring practices, according to a lawsuit the U.S. Equal Employment Opportunity Commission (EEOC) filed today.

According to the EEOC's suit, the employee worked for TKO in July 2018 as a recruiter. Headquartered in Coon Rapids, Minnesota, TKO is a construction staffing company which provides temporary employees for commercial, residential, heavy industrial and energy construction companies nationwide. The recruiter was told by TKO employees that the company did not hire women for construction jobs, Blacks in certain areas, and individuals who were over 40 years old because some clients do not want them, TKO claimed.

The recruiter later spoke with TKO's president, who confirmed that it was TKO's

practice to not hire women, African Americans and older workers according to client preferences or requests. After the meeting, knowing that she would be required to engage in unlawful conduct, the recruiter resigned, according to the EEOC's lawsuit.

The EEOC's lawsuit alleges that TKO failed to recruit, hire, assign or refer a class of aggrieved individuals for employment because of their sex, female; race, Black; and age, 40 years or older. The EEOC further alleges that TKO classified and/or referred employees by sex, female, and race, Black, which resulted in women being referred to fewer hours and receiving less pay than men, and Black employees being referred to less hours and receiving less pay than whites.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which makes it unlawful to discriminate against employees because of their sex or race. The alleged conduct also violates the Age Discrimination in Employment Act (ADEA), which prohibits discrimination against employees 40 years of age or older.

The EEOC filed suit in U.S. District Court for the District of Minnesota (Equal Employment Opportunity Commission v. TKO Construction Services, Civil Action No. 0:23-cv-03010) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay, compensatory, punitive and liquidated damages as well as injunctive relief.

“It’s a violation of federal anti-discrimination laws for employers to refuse to hire or assign individuals for employment based on sex, race or age because its clients tell them to engage in such unlawful conduct,” said Gregory Gochanour, regional attorney for the EEOC’s Chicago District. “The EEOC will enforce the laws to ensure that hiring decisions and job assignments are made without discrimination.”

Acting Chicago District Director Diane Smason said, “Employers who believe they can ‘contract out’ their discrimination are mistaken.”

For more information on age discrimination, please visit <https://www.eeoc.gov/age-discrimination> (<https://www.eeoc.gov/age-discrimination>). For more information on race and color discrimination, please visit <https://www.eeoc.gov/racecolor-discrimination> (<https://www.eeoc.gov/racecolor-discrimination>). For more information on sex-based discrimination, please visit <https://www.eeoc.gov/sex-based-discrimination> (<https://www.eeoc.gov/sex-based-discrimination>).

In May 2023, EEOC Chair Charlotte A. Burrows issued a report entitled “**Building for**

the Future: Advancing Equal Employment Opportunity in the Construction Industry (<https://www.eeoc.gov/building-future-advancing-equal-employment-opportunity-construction-industry>).” The report found that persistent discrimination, including harassment, in construction creates barriers to building a more inclusive industry at a time when the unprecedented federal investment in infrastructure is spurring new hiring and expanding opportunities. The report offers strategies for more effectively advancing equal employment opportunity in construction.

This case is being litigated by the EEOC’s Minneapolis Area Office, which is part of the Chicago District Office that has jurisdiction in Illinois, Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa.

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>).