



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues Weis Markets for Sexual Harassment and Unlawful Use of Employee Assistance Program

Federal Agency Charges That Grocery Chain Subjected Employee to Sexual Harassment and Fired Her for Refusal to Cooperate with Illegal Medical Examination and Disability-Related Inquiries

HARRISBURG, Pa. – Weis Markets, Inc., a chain of grocery stores throughout the Mid-Atlantic and headquartered in Sunbury, Pennsylvania, subjected an employee to sexual harassment and discharged her when she refused to comply with an unlawful directive to participate in the company’s employee assistance program, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit today.

According to the EEOC’s lawsuit, a supervisor at Weis Markets’ Mifflintown, Pennsylvania store subjected a female employee to unwelcome and offensive sexual harassment. The supervisor made frequent sexual comments in the workplace, often winked at the employee, made statements indicating his propensity to commit violent acts, and, on one occasion, kissed her face without consent, the EEOC alleged. The suit charged that Weis Markets failed to take reasonable corrective action against the supervisor after the employee reported the

sexual harassment and the supervisor admitted some of his conduct.

After the employee's sexual harassment complaint, the company told her that coworkers had complained about her and as a result of those complaints, she would be required to participate in its employee assistance program (EAP), the EEOC alleged. The EEOC's lawsuit charged that the mandatory EAP referral would have required her to undergo a medical examination and disability-related inquiries. The referral would also require her to release medical information to the company, and a company official confirmed to her that the referral was to determine whether she would be placed on disability leave. When the female employee refused to comply with the mandatory EAP referral, Weis Markets suspended her without pay and ultimately discharged her, the EEOC charged.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits workplace sexual harassment. Such alleged conduct also violates the Americans with Disabilities Act (ADA), which prohibits requiring employees to undergo medical examinations or answer questions that are likely to reveal whether they have disabilities unless the employer can show the examinations or inquiries are job-related and consistent with business necessity. The ADA also prohibits retaliating against employees for opposing such practices and interfering with employees' exercise and enjoyment of ADA rights, including the right to be free from illegal medical examinations and disability-related inquiries.

The EEOC filed suit in U.S. District Court for the Middle District of Pennsylvania (U.S. EEOC v. Weis Markets, Inc., Case No. 1:23-cv-01767-YK, after first attempting to reach a pre-litigation settlement through its administrative conciliation process.

"Title VII requires employers to make diligent efforts to prevent and correct workplace sexual harassment," said Philadelphia District Office Regional Attorney Debra Lawrence. "The EEOC will continue to hold employers accountable for their failure to protect workers from such abuses."

Philadelphia District Director Jamie Williamson added, "Employees have a right under the ADA not to be forced by their employers to participate in medical exams and inquiries that are not job-related and consistent with business necessity. The EEOC will not permit employers to interfere with that important ADA right or to retaliate against employees who exercise it."

The lawsuit was filed by the EEOC's Pittsburgh Area Office, a component of the

Philadelphia District Office, which 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.

For more information on sexual harassment, please visit [**https://www.eeoc.gov/sexual-harassment**](https://www.eeoc.gov/sexual-harassment) ([**https://www.eeoc.gov/sexual-harassment**](https://www.eeoc.gov/sexual-harassment)). For more information about medical examinations and disability-related inquiries of employees, please visit [**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) ([**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)). For more information on retaliation, please visit [**https://www.eeoc.gov/retaliation**](https://www.eeoc.gov/retaliation) ([**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) ([**https://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**](https://public.govdelivery.com/accounts/USEEOC/subscriber/new)).