



Civil Rights Department

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Civil Rights Department Settles Gender Identity Investigation

Shake Shack will pay former employee \$20,000, update its policies, and provide periodic reports

Sacramento – The California Civil Rights Department (CRD) has reached a pre-litigation settlement with nationwide chain restaurant Shake Shack, resolving a former employee's complaint of discrimination, harassment and retaliation based on gender identity and gender expression.

The complainant, who was trained in San Francisco and assigned to work in an Oakland Shake Shack restaurant, alleged that he was repeatedly misgendered by co-workers and that when he complained, management failed to take reasonable steps to correct the behavior. According to the complaint, management told him repeatedly that he would have to explain his gender to co-workers rather than rely on management to correct discriminatory behavior. Frustrated by management's failure to address his concerns, after only a month the complainant left the company.

"California law prohibits intentional misgendering in the workplace," said CRD Director Kevin Kish. "Intentional misgendering and other forms of discrimination based on gender identity and gender expression can be stressful and traumatic. CRD appreciates Shake Shack's acknowledgement of its responsibility to provide a discrimination-free environment to its workforce."

Through participation in voluntary mediation with CRD's Dispute Resolution Division, Shake Shack and the complainant resolved the matter through a settlement agreement that provides for a \$20,000 payment to the complainant. Shake Shack has also agreed to update its policies relating to retaliation, harassment, discrimination, and bullying; to provide additional training about discrimination based on gender identity and expression to managers and staff; and to report to CRD all complaints of gender identity and gender expression discrimination or harassment from the Bay Area locations in question for a one-year period.

Staff Counsel Soyeon C. Mesinas represented CRD in this matter. Investigator Naisha Kendrix assisted with the investigation.

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The CRD is the state agency charged with enforcing California's civil rights laws. The mission of the CRD is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit CRD's website at calcivilrights.ca.gov.

