

Employers Should Use Care To Avoid Discrimination When Using Temporary Staffing Agencies

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Caution

Employers that use staffing agencies to fill temporary work assignments should be prepared to meet the challenges inherent in such relationships for purposes of compliance with Title VII, as illustrated by the EEOC's litigation against a small manufacturer in Illinois.

Although the Illinois manufacturer claimed it was not subject to Title VII because it had fewer than the statutory minimum 15 employees, the EEOC argued that temporary employees needed to be counted. The EEOC contended that the employer should be held liable if the actions of its temporary staffing agency resulted in discrimination against an applicant, in this case a woman who alleged she was not selected for a general laborer assignment.

Rather than continue to litigate the gender discrimination case that was pending in the U.S. District Court for the Northern District of Illinois, the parties negotiated an agreement calling for a \$27,682 payment to a female applicant. A consent decree, which also calls for non-monetary relief to alert women about opportunities with the manufacturer, was entered July 3, 2013. According to the EEOC, the applicant also received a monetary settlement from the staffing agency.

As this case illustrates, employers need to be vigilant when they engage temporary staffing agencies to ensure that employers' equal opportunity policies and expectations are enforced.

Additional Resources:

[EEOC - Illini Precast Agrees to Consent Decree in Sex Discrimination Case Brought by EEOC](#)

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