Big-Fix

This fact pattern contains a number of events that may give rise to claims of employment discrimination. Make sure to review the relevant chapters in the textbook for guidance on what Eve must prove and the defenses Big-Fix may raise. A good answer will identify the specific laws violated and the claims that Eve can bring, describe what she needs to prove to win her claims, and also describe what defenses the employer can raise. I will also be grading for clear writing and good grammar and punctuation, so be sure to proofread your writing! You can email your answer directly to me. Big-Fix Auto Repair, Inc., is a company with several locations in the Denver area. Big-Fix’s main facility has two levels. The car repair shop is on the lower level. All offices (including the executive suite and human resources) are on the upper level. The offices are accessed by taking an elevator or staircase located on one side of the repair shop to the upper level, and then an open-air walkway that leads to the entrance of each office. The walkway overlooks the car repair shop. Big-Fix consistently employs 75 employees, 65 of whom work as mechanics. Three years ago, Big-Fix hired Eva as a mechanic. Eva was 55 years old when hired and was the only female mechanic during her time at Big-Fix. Eva had worked as a mechanic since she finished high school. The male mechanics resented Eva and treated her cruelly. They daily called Eva names such as “butch,” “old maid,” “spinster,” “old gray mare,” “Rambo,” “Rip Van Wrinkle,” and “geriatric case.” They would make comments such as: “Why don’t you go on Social Security?”; “We put in a reservation for you at the nursing home.”; “Go get a makeover.”; “Dye your hair.”; and “No man would marry you.” Eva would pretend she did not hear the names and comments or would ask them to, “Please stop.” The men did not treat one another the way they treated Eva. Nor did Eva treat the men the way they treated her. Big-Fix had a written anti-harassment policy that it issued to all employees when hired. The policy directed employees to contact the HR Manager, Hiram, if they believed they were subject to harassment of any nature. Eva did not contact Hiram out of fear the mechanics would treat her worse if she did. Six months ago, Hiram summoned Eva to the HR office. Hiram said he was investigating “alleged misbehavior of some mechanics.” Hiram asked Eva if she had observed any such behavior. Eva burst into tears and told Hiram in detail about how the male mechanics constantly mistreated her. Hiram told Eva he would “look into it” but never did anything. Three weeks after Eva met with Hiram, Big-Fix placed her on “suspension without pay for rudeness to coworkers.” Eva was the only mechanic disciplined for rudeness to coworkers. Big-Fix returned Eva to work 30 days later, at which time it told her she was “exonerated” and paid her for all workdays missed during the suspension. When Eva returned to work, the male mechanics resumed the mistreatment of her but with a difference: They added to their taunts calling Eva “snitch” and “rat”; they would remove tools from her toolbox when she was not looking. Eva did not report the conduct to Hiram out of fear of reprisal. Yesterday, Eva resigned from Big-Fix saying, “I cannot take the abuse any longer. “Question: what potential legal claims does Eva have against Big-Fix? What would Eve have to show or prove to win her case for each claim? What defenses, if any, can Big-Fix raise against those claims? Can Eva overcome those defenses and win her case? Explain why or why not.