

HOW THIN MUST A WOMAN BE TO KEEP HER JOB?

Statement by Gloria Allred

Today we are here to announce that we have won an important victory in the case of our client, Virginia Tzortzos against SBE (a California Corporation) which owns a popular West Hollywood nightclub called Foxtail.



Virginia, age 30, of North Hollywood, was hired as a bartender at Foxtail in January 2008. Virginia has been a bartender and/or food server for about 12 years.

Virginia is a trim, capable, attractive and skilled bartender who served the public at Foxtail until she gained five (5) pounds.

After her weight gain she was abruptly directed to work in the kitchen and not be visible to the public until she lost 5-6 pounds “to start.” Virginia was a trim, fit size 5/6 when she was hired and remained a size 5/6 when she gained the 5 pounds.

However, management clearly regarded her as unsightly and not fitting their female stereotypic image. Males, however, were able to continue to bartend despite being overweight or gaining weight.

Virginia was and is an excellent bartender. She was never late to her job at Foxtail, worked there 4 nights a week, never called in sick, had perfect attendance and performed her job well at all times.

It was therefore a shock to her to be told on October 7, 2008 by management that she was too fat and needed to work in the kitchen until she lost weight. She was told that she could not work at the bar up front and be visible to the public until she lost weight.

She was then relegated to the kitchen where she had to provide drinks to the food servers, and on October 17, 2008 she was written up for being “complacent” in the kitchen and was told she needed to be happier there.

When she inquired of Human Resources as to how much she had to lose to go back to serving the public she was told 5-6 lbs. to start with implying that might not be enough of a weight loss to satisfy management. It was clear that the rail - thin image of a female sexual stereotype was the management request.

As a result of the stress caused by being relegated to the kitchen as a

result of her weight gain and sex discrimination, Virginia took a medical leave from her job.

On her behalf on October 30, 2008 we filed a lawsuit alleging gender discrimination in employment and sex harassment. We were seeking general and punitive damages according to proof at trial and a judicial injunction (court order) requiring Foxtail to return Virginia to her rightful position in the front bar visible to the public regardless of her weight.

No woman should be required to fit into a gender stereotype of what a sexy, attractive woman should look like. Men are not required to be rail thin, and women should not be subjected to a different standard.

After we filed a lawsuit in this case and served the nightclub with it, their lawyer contacted us and we reached an agreement that she would be reinstated to her job serving the public and not be relegated to the kitchen.

Tonight, Virginia is returning to her job as a bartender serving drinks to the public at Foxtail, without the requirement that she lose weight!

We have always considered that winning reinstatement to her previous job was the most important part of our case and that is why in our lawsuit we had sought a judicial injunction requiring that Virginia's employer return her to her previous job. Now that Foxtail has agreed to reinstate her to the job we will no longer be requesting an injunction, since we have

achieved the result we were seeking. However, we will continue our lawsuit for damages.

We are very proud of Virginia. We hope her courage and her success will inspire other women to stand up for their rights to be free of sex discrimination and sexual stereotyping in the workplace, and free of a double standard on the job.

GLORIA ALLRED
Attorney-at-Law
November 11, 2008

Statement by Virginia Tzortzos

I am happy that I have won the right to get the job back that I was hired to do serving the public. I'm glad that I am able to return without having to change who I am.

I am not ashamed of being a size 5/6. I am proud of who I am, the work that I do, and the size that I am.

VIRGINIA TZORTZOS
November 11, 2008