



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

For Immediate Release
November 13, 2015

Walgreens faces disability discrimination charge

Akia Haynes, Deputy Director of the Indiana Civil Rights Commission (ICRC), has issued a Notice of Finding against Walgreens. The charge states that probable cause exists to believe that an unlawful discriminatory practice has occurred (Ind. Code § 22-9, et seq.).

By way of background, a Walgreens store in Lake County hired Complainant as a shift lead in November 2014. Complainant had a disability that impaired one or more major life activities. During the course of her employment, Complainant alleges that her manager told her that she should not work with the public because she may “snap,” and that “no one really wants you since...folks think you crazy.” Ultimately, Complainant resigned her employment after being told by her manager that she could choose between “dealing with the treatment” or quitting the job.

Despite Walgreens’ assertions, there is insufficient evidence to support its claims. Evidence shows that Walgreens failed to rebut Complainant’s claims despite repeated requests from the ICRC. The ICRC sent Walgreens a subpoena requesting a response by September 23, 2015; however, Walgreens failed to comply. As Complainant alleges sufficient facts to believe that a discriminatory practice occurred as alleged and Respondent failed to refute Complainant’s assertions, probable cause exists to believe that a discriminatory practice occurred.

The issue presented to the ICRC is whether Complainant was subjected to a hostile work environment. In order to prevail, Complainant must show that: (1) she was subjected to offensive comments or actions in the workplace related to her disability; (2) the comments or actions were sufficiently severe or pervasive such that it would cause a reasonable person to resign their employment; (3) she made it known that the comments were unwelcome; and (4) Respondent failed to take action to address the hostile work environment.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within 20 days of receipt of their notice, or the Commission’s Administrative Law Judge will hear this matter.

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The Indiana Civil Rights Commission enforces the Indiana civil rights laws and provides education and services to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana.

