

Holiday Inn named in harassment suit

BY BLAIR MISHLEAU

When Hernan Cortes began working for Holiday Inn in 2006, he was pleased with the job.

"It was an excellent work environment," said Cortes.

Things changed radically in August 2009, when, according to Cortes, his new male supervising manager began sexually harassing him and, ironically, discriminating against him due to his sexual orientation.

Sexual harassment and discrimination based on sexual orientation, two forms of workplace hostility, have intersected in a case involving employees of a Holiday Inn franchise in Elmhurst, Ill. The hotel is run by The Bricton Group, which is based in Park Ridge, Ill.

Two employees of the hotel have sought legal advice due to the alleged incidents.

Dan Kosman, the second employee seeking legal assistance, began working for the hotel in June 2009. Around August, his supervising manager—the same manager who also supervised over Cortes—allegedly began sexual harassing him as well.

"I'd walk by and he'd pinch my butt," Kosman said. "I'd be by the filing cabinet, bending over, and he'd come over and bump me purposely."

Kosman added that the manager also committed more lewd actions, such as exposing his penis to him. Cortes reportedly faced similar harassment.

Discrimination based on sexual orientation also came into play, when other employees were present, said Kosman and Cortes.

"He called me 'F squared,' which mean 'fing faggot,'" Cortes said.

"As the harassment went on, he was obviously a closeted gay," Kosman said. "When there were other people around, he was definitely throwing [homophobic words] around to whomever he was talking to. I would be somewhere on the sidelines ... and he'd say, 'Oh, that guy's a fag.'"

Kosman sought the advice of Lambda Legal, an organization that offers legal assistance to the LGBT community, in December. Lambda referred Kosman to his current lawyer, Betty Tsamis.

After Kosman began looking for legal assistance, Cortes joined him.

The situation was difficult to report internally, as the hotel had no clear-cut method of filing such a form of workplace hostility, according to Tsamis. Calls by Windy City Times to the human resources department at the hotel were not returned.

The matter grew more complicated because the manager is friends with the son of the general manager and the human resources manager, according to Kosman.

"Because there was not a policy of reporting in place, I wrote a letter to Bricton Group," Tsamis said.

She sent the letter in early January. Bricton never responded in writing. Instead, they had an insurance adjuster reply back, Tsamis said. Calls by Windy City Times to the Bricton Group, the owner of the specific Holiday Inn franchise where the alleged harassment took place, were not returned.

"I've been practicing employment law for almost 10 years, and I've never been personally involved in an instance where a company, instead of responding, had an insurance adjuster respond," Tsamis said. "It's a very unusual practice to have an insurance adjuster respond to the very serious complaints of an employee."

Employers oftentimes do not acknowledge the significance of same-sex sexual harassment cases, according to Tsamis.

"Even when companies acknowledge the exist-



Betty Tsamis. Photo courtesy of Tsamis

tence of a complaint, they will attempt to paint the complainer as motivated by financial gain rather than as an employee who is lodging a legitimate complaint," Tsamis said.

After the lack of response by the Bricton Group, Tsamis filed a sexual-harassment complaint with the U.S. Equal Employment Opportunity Commission. They do not accept complaints regarding sexual orientation, according to its Web site. Because of this, Tsamis cross-filed the complaint with the Illinois Department of Human Rights, which enforces Illinois' policy against workplace sexual orientation-based discrimination.

Holiday Inn's corporate officials were seemingly unaware of any pending litigation when Windy City Times contacted them. They did not even have a record of the complaint, according to an employee. They refused to comment beyond this.

Both Cortes and Kosman are still employed with the hotel. It has made them feel uncomfortable, as they still have to see the manager. While Kosman's shifts have been switched opposite of the manager, they still cross paths. Cortes still works with the manager directly.

"I feel extremely uncomfortable," Cortes said. "He is still in the same management position at the front desk. It's scary to be near him, in front of him."

They are still waiting on a response from the Equal Employment Opportunity Commission and Illinois Department of Human Rights.

"I'm just hoping that it won't happen to anyone else," Kosman said.

Gerber/Hart's wine tasting, book sale

Gerber/Hart Library is holding a "Welcome Spring" wine tasting Saturday, March 20, 4-6 p.m., at KAFKA Wine Co., 3325 N. Halsted. New spring wines will be available to sample. Tickets are \$20 each, and are available through PayPal at www.gerberhart.org; by calling Gerber/Hart at 773-381-8030; or by stopping by Gerber/Hart Library, 1127 W. Granville.

In addition, the library's March Madness Book Sale will take place March 19-28. More than 50 categories of books will be on sale. See www.gerberhart.org or call 773-381-8030.

Corrections

In the March 10 issue of Windy City Times, the article on the March 2 educational forum at National-Louis University featured quotes by Therese Quinn and Erica Meiners that were mistakenly attributed to the other.

In the same issue, regarding the article on Spin, Andi Cruzatti and Christina Wiesmore are ex-employees of the club. Wiesmore did bartend at Spin approximately two years ago but left on good terms. In addition, Cruzatti and Wiesmore did not initiate the Facebook-based boycott of Spin and are not administrators on the boycott page.

The corrected versions are at www.WindyCity-MediaGroup.com. Windy City Times regrets the errors.

QUOTELINES

BY REX WOCKNER

"AT LEAST TWO CALIFORNIA NEWSPAPERS AND THE OPENLY GAY MAYOR OF WEST SACRAMENTO knew anti-gay (California) state Sen. Roy Ashburn was gay and yet they said nothing. On Wednesday, Ashburn was arrested for DUI while leaving a Sacramento gay bar. ... Christopher Cabaldon, the openly gay mayor of West Sacramento, told KOVR he has spotted Senator Ashburn at gay hot spots a number of times. (The) hypocrisy (of Ashburn's having a horrible anti-gay voting record and his hanging out in gay venues) apparently didn't bother Mayor Cabaldon enough to actually fucking say something. And you know that if Cabaldon knew, many other queers in Sacramento knew. If I lived in West Sacramento, I'd want to have a long angry talk with my mayor." — *Blogger Joe Jervis (Joe. My. God.), March 5. Actually, Cabaldon did mention it on his Facebook page several months ago, but no one did anything with it.*

"THERE IS A LACK OF LEADERSHIP FROM THE TOP (on repealing Don't Ask, Don't Tell). Our largest LGBT advocacy group (the Human Rights Campaign) is in Washington to demand it for us, and needs to stop making excuses for our self-described 'fierce advocate' and demand that he (President Obama) be that." — *Blogger Andy Towle, Towleroad.com, Feb. 16.*

"MY (SCORES OF ANTI-GAY) VOTES REFLECT THE WISHES OF THE PEOPLE IN MY DISTRICT. And I have always felt that my faith and allegiance was to the people there in the district, my constituents, and so as each of these individual measures came before the Legislature, I cast 'no' votes—usually 'no' votes—because the measures were almost always about acknowledging rights or assigning identification to homosexual persons. I felt my duty, and I still feel this way, is to represent my constituents. There's never been a doubt in my mind on the position of the vast majority of people in my district." — *California state Sen. Roy Ashburn, R-Bakersfield, in a March 8 coming-out interview on KERN radio, five days after he was arrested and charged with drunk driving after leaving a Sacramento gay bar.*

"WHENEVER SOMEONE SPEAKS OUT AGAINST GAYS, the first question they should be asked is, 'Are you gay?'" — *Writer Dan Savage's friend Scott, quoted by Savage on Savage's blog, March 5.*

"I HAVE NO MORE TOLERANCE FOR ANY RELIGION IN ANY WAY. They are all obsolete and harmful. We need to start groups where people

can just hang out and help each other and no believing is required." — *Roseanne Barr on her blog, March 6.*

"THE BIBLE SAYS THAT MARRIAGE IS BETWEEN A MAN AND A WOMAN. In Leviticus it says: 'If man lies with mankind as he would lie with a woman, both of them have committed an abomination. They shall surely be put to death and their blood shall be upon them.' The Bible is pretty black and white. I feel like God himself created mankind and he loves everyone, and he has the best for everyone. If he says that having sex with someone of your same gender is going to bring death upon you, that's a pretty stern warning, and he knows more than we do about life." — *Lauren Ashley, "Miss Beverly Hills 2010," to Fox News, Feb. 23.*



I have no more tolerance for any religion in any way.

—Roseanne Barr

"THE CITY OF BEVERLY HILLS TODAY DENOUNCED STATEMENTS made by Miss California USA contestant Lauren Ashley, the self-described Miss Beverly Hills. Ms. Ashley resides in Pasadena and is currently a contestant for the Miss California USA title. She does not represent Beverly Hills in any capacity. The City of Beverly Hills strongly condemns Ms. Ashley's recent statements and has contacted pageant officials to determine ways to formally prevent any beauty contestants claiming the title of Miss Beverly Hills in the future. The City of Beverly Hills does not sponsor a beauty pageant and has no association with Miss California USA. As such, there should be no individual claiming the title of Miss Beverly Hills." — *City press release, Feb. 24.*

"THE CITY COUNCIL WAS SHOCKED TO SEE STATEMENTS MADE BY A BEAUTY PAGEANT contestant under the name of Beverly Hills who does not live in nor represent our city. We are dismayed by any potential association with the City of Beverly Hills, which has a long history of tolerance and respect." — *Beverly Hills Mayor Nancy Krasne, Feb. 24.*

—Assistance: Bill Kelley

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