

## Contact

### Houston

1200 Smith Street, Suite 1400  
Houston, Texas 77002-4310  
Tel: 713.658.1818  
Fax: 713.658.2553

### Atlanta

191 Peachtree Street, N.E.,  
Forty-Sixth Floor  
Atlanta, Georgia 30303  
Tel: 404.659.1410  
Fax: 404.659.1852

### Philadelphia

50 South 16th Street, Suite  
1700  
Philadelphia, PA 19102  
Tel: 610.772.2300  
Fax: 610.772.2305

### San Antonio

112 East Pecan Street, Suite  
1450  
San Antonio, Texas 78205  
Tel: 210.253.8383  
Fax: 210.253.8384

## “Navigating Customer Ratings and Employment Discrimination in Restaurants” article by Kyle Winnick in Restaurant Dive

July 31, 2019

### “Navigating Customer Ratings and Employment Discrimination in Restaurants” article by Kyle Winnick in Restaurant Dive

In an article published in Restaurant Dive, Kyle Winnick discusses the role consumer feedback plays in the restaurant industry for employers making employment decisions, and how employers should ensure that these public comments do not result in discrimination.

“Consumers may take race, sex and other immutable characteristics into account when reviewing the performance of their servers and other restaurant staff,” Winnick warns, and potential legal problems can arise if an employer makes personnel decisions based off of these “tainted ratings.” Citing Title VII of the Civil Rights Act of 1964, Winnick addresses the disparate-treatment or disparate-impact theory of liability that may result if an employer relies on biased ratings to make employment decisions. However, he notes, if an employer takes affirmative steps to purge its ratings system of bias, any potential plaintiff bringing one of these claims would have difficulty proving discriminatory practices.

In terms of best practices for restaurants to avoid charges of discrimination, Winnick advises, “Restaurants should disregard feedback that appears to be motivated by pernicious stereotypes and put greater emphasis on performance. An employer could ask customers to justify their ratings.”

“By making a good-faith effort to eliminate bias in their rating systems, employers would not only create a more accurate rating system but also severely undercut any potential Title VII action,” Winnick adds.

To view the full article, please [click here](#).