

## KOMO News

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### **Court: Sea-Tac workers can sue over lunch menus**

By GENE JOHNSON, Associated Press | Published: May 22, 2014 at 12:12 PM PDT (2014-05-22T19:12:17Z)

SEATTLE (AP) - Washington's Supreme Court on Thursday reinstated a lawsuit brought by workers at Seattle-Tacoma International Airport who said they were forced to eat food provided by their company in violation of their religious beliefs or go hungry during their shifts.

The 5-4 decision expands the duty of private employers to accommodate religious practices under state law. The law was already clear that businesses can't fire or refuse to hire someone based on religious beliefs, but it wasn't clear on whether people can sue companies for failing to provide on-the-job accommodations.

The workers at Gate Gourmet prepare meals that are served on flights from the airport. Because of security concerns, they are not allowed to bring their own food to work. Nor can they leave work on their 30-minute lunch breaks.

Instead, the company provides their meals. While there are ostensibly vegetarian and non-vegetarian options, the workers said the ingredients weren't labeled, and the vegetarian dishes sometimes included animal by-products. For example, the refried beans were made with pork lard, and other supposedly vegetarian dishes were made with chicken broth.

They also allege the company switched from turkey meatballs to beef-and-pork meatballs without telling them, even though some workers don't eat beef or pork, and that vegetarian dishes and meats are often prepared using the same cookware and utensils. Hindu, Muslim, Jewish and Ethiopian Orthodox Christian employees are among those who took issue with food, the plaintiffs said.

A King County Superior Court judge - Mary Yu, who since has been appointed to the Supreme Court - threw out the workers' class-action claims against Gate Gourmet. She held that Washington's Law Against Discrimination did not allow such lawsuits.

Yu, who was sworn in as a justice this week, did not participate in Thursday's ruling.

Justice Sheryl Gordon McCloud wrote for the majority that the duty to accommodate religious practices in the workplace is implied in the law. She was joined by Justices Mary Fairhurst, Debra Stephens, Charles Wiggins and Steven Gonzalez.

McCloud noted that federal law has long required employers to provide such accommodations.

The majority also said the workers could pursue their claims of battery and negligent infliction of emotional distress - and the dissent didn't take issue with that, essentially making that part of the ruling unanimous. The claim for battery - defined as intentional, unwanted contact - rests on the notion that the company tricked the workers into eating food in violation of their religious beliefs.

In her dissent, Chief Justice Barbara Madsen argued that if the Legislature had wanted to allow people to sue their employers for failing to make reasonable accommodations for religious practice, it would have expressly done so. Even if people could sue, the workers' claims should be barred because there was not a suggestion that Gate Gourmet punished the workers or threatened any punishment over their religious beliefs.

She was joined by Justices Charles Johnson, Jim Johnson and Susan Owens.

A spokeswoman for Gate Gourmet did not immediately return a message seeking comment Thursday.

Two lawyers for the workers, Aaron Rocke and Seth Rosenberg, said they hoped the ruling would encourage respectful, open discussions between workers and employers around the state about religious practices. They said that since they filed the lawsuit, Gate Gourmet has made some changes, including the intermittent labeling of ingredients, but they hope to see further and more consistent changes.

"The reality is we live in a diverse community," Rosenberg said. "This is about having a discussion about how we can accommodate those differences in a very important venue, which is employment."