

Macy's Continues History Of Racial Profiling: Lawsuit Filed By Wigdor LLP

September 11, 2017 • News & Press

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Macy's repeatedly directed sales associates to racially profile Asian shoppers at its flagship store in Herald Square, a lawsuit filed by Wigdor LLP alleges.

Wigdor LLP has filed a lawsuit on behalf of four former sales associates at Macy's Herald Square flagship location alleging the company has a long and uncomfortable history of racial profiling. This time, the retailer is being accused of racially profiling customers of Asian descent, and retaliating against employees who complained about their managers' unlawful directions to racially profile.

Plaintiffs Sonya Summers, Mary Aung, Ireyne Yuli, and Shauna Sandifer each allege that managers in Macy's Cosmetics/Fragrance Department repeatedly directed them and other sales associates to racially profile customers of Asian descent by refusing to sell them products in the same manner that white shoppers were permitted. This racial profiling is based on the discriminatory stereotype that all Asian customers are resellers – that is, Asian customers buy goods in markets like the U.S. and resell them on the grey market at a markup in Asia.

Specifically, the complaint outlines multiple instances of sales associates at Macy's being instructed to "look out for" and "not sell to" customers of Asian descent. The complaint further alleges that sales associates were regularly instructed not to sell more than one unit of the same product to Asian customers, contrary to store policy that customers could purchase up to six units of the same product. Moreover, employees in the loss prevention department would regularly make Asian customers uncomfortable by conspicuously staring at them through the completion of their transactions, according to the lawsuit. The Plaintiffs were purportedly never instructed to racially profile customers who weren't of Asian descent.

The Plaintiffs each filed grievances with the Macy's union, Local 1-S, and complained several times to managers. However, no action was ever taken by Macy's to remedy the discriminatory conduct, the lawsuit alleges. Instead, as set forth in the complaint, in one week the four Plaintiffs were all terminated from their positions as sales associates in a blatant act of retaliation against those employees who dared to speak up against such unlawful racial profiling.

The Plaintiffs are represented by Wigdor LLP Partner Douglas H. Wigdor, and Associates Elizabeth J. Chen and Kenneth D. Sommer.

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