



# Maine Human Rights Commission

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## INVESTIGATOR'S REPORT

MHRC Case No. E17-0016

September 14, 2018

**Kevin Osgood (Rockland)**

v.

**Advantage Solutions<sup>1</sup> (Anaheim, CA)**

### I. Summary of Case:

Complainant, who was employed by Respondent to provide sample products at third-party store locations, alleged that Respondent retaliated against him for making a report to a state agency ("Agency") about his pay when it reduced his hours, harassed him, removed him from a store location, and later discharged him.<sup>2</sup> Respondent, a sales and marketing agency, denied retaliation and asserted that it removed Complainant from the store location because of sanitary violations and discharged Complainant for violating its timekeeping policy. The Investigator conducted a preliminary investigation, which included reviewing the documents submitted by the parties, requesting additional information, and holding an Issues and Resolution Conference ("IRC"). Based upon this information, the Investigator recommends a finding that there are reasonable grounds to believe that Respondent retaliated against Complainant based on protected activity.

### II. Jurisdictional Data:

- 1) Dates of alleged discrimination: May 2016 to January 24, 2017.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): January 9, 2017.
- 3) Respondent has 49,200 employees and is subject to the Maine Human Rights Act ("MHRA") and the Maine Whistleblowers' Protection Act ("WPA").
- 4) Complainant is represented by Donald Lawson-Stopps, Esq. Respondent is represented by Bruce Larson, Esq.

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<sup>1</sup> Complainant named "Advantage Solutions" as the Respondent in his complaint; Respondent provided that its name is "Advantage Sales and Marketing LLC dba Advantage Solutions". Because Complainant has not amended his complaint, the name he used has been retained.

<sup>2</sup> Respondent discharged Complainant after he filed this complaint with the Commission but before the Commission provided Respondent with notice of such.