

COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Richard E. OLECH, Complainant)	
)	
v.)	Case No. 2013E017
)	
CRATERS & FREIGHTERS OF CHICAGO, INC.; Tomasz BINKOWICZ; Jacek SWIATEK, Respondents)	Entered: October 28, 2015
)	

ORDER OF DISMISSAL

On June 18, 2013, Complainant Richard E. Olech (“Olech”) filed the above-captioned complaint with the Cook County Commission on Human Rights (“Commission”) against [REDACTED] former employer, Respondent Craters & Freighters of Chicago, Inc. (“C&F”), and two former co-workers, Respondents Tomasz Binkowicz (“Binkowicz”) and Jacek Swiatek (“Swiatek”) (collectively, “Respondents”). Olech alleges that during the course of [REDACTED] employment, Binkowicz and Swiatek teased and bullied [REDACTED] in such a severe or persistent manner as to amount to unlawful sex, sexual orientation and/or gender identity harassment. Compl., Counts I-III. Further, Olech alleges that C&F unlawfully terminated [REDACTED] employment on January 23, 2013, in retaliation for an internal complaint about this harassment. *Id.* at Counts IV-VI. Respondents deny that Olech was harassed and counter that [REDACTED] was terminated on January 23, 2013, for verbally abusing another employee a day after being counseled against such conduct.

At the completion of its investigation into Olech’s allegations and Respondents’ defenses, the Commission ordered the parties to attempt to mediate their dispute. Notice of Mediation (Aug. 21, 2015). While it is not mandatory that parties settle at a Commission-mandated mediation, the Commission’s procedural rules require that all parties attend the mediation conference. CCHR Pro. R. 440.145(B)(2). Further, the Commission’s procedural rules establish consequences for parties who refuse to attend the mediation conference:

If the Complainant fails to attend the Mediation Conference, and if the Complainant’s absence is not excused for good cause shown, the Commission may dismiss the Complaint and/or the Complainant may be ordered to pay fees and/or costs. If the Respondent fails to attend the Mediation Conference, and this failure to attend is not excused for good cause, a default judgment

[REDACTED]

may be entered against the Respondent and/or the Respondent may be ordered to pay fees and/or costs.

Id. 440.145(B)(5).

Here, the Commission appointed the Center for Conflict Resolution (“CCR”) as the mediator in this matter on August 21, 2015. *See* Notice of Mediation (Aug. 21, 2015). The Notice of Mediation gave the parties until September 21, 2015 to contact CCR to schedule the date of the mediation conference, and warned the parties that failure to appear may result in fines, dismissals or defaults. *Id.* Nonetheless, CCR reported to the Commission on October 27, 2015, that “Complainant refused to mediate case.” Mediation Report (Oct. 26, 2015).

For the foregoing reason, the Commission now orders that complaint 2013E017 be DISMISSED for FAILURE TO COOPERATE. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

October 28, 2015

By delegation:

A handwritten signature in black ink, appearing to read 'Ranjit Hakim', with a horizontal line extending to the right.

Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights