

*The U.S. Equal Employment Opportunity Commission*

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## EEOC SUES KRAFT FOODS NORTH AMERICA, INC. FOR SAME-SEX HARASSMENT OF MEN

*Suit Says Male Workers Were Groped, Propositioned, and Sexually Assaulted by Male Supervisor*

BIRMINGHAM, Ala. - The U.S. Equal Employment Opportunity Commission (EEOC) today filed suit against global food giant Kraft Foods North America, Inc. and its subsidiary Nabisco, Inc. under Title VII of the Civil Rights Act of 1964 on behalf of a class of male employees who were subjected to egregious same-sex harassment and retaliation by their male supervisor at a sales and distribution facility in Birmingham, Alabama. Kraft Foods, which recently acquired Nabisco in a merger, is based in Northfield, Illinois, and employs approximately 113,000 people worldwide.

The suit, *EEOC v. Kraft Foods North America, Inc.*, filed in the United States District Court for the Northern District of Alabama, Southern Division, charges Kraft with creating a sexually hostile work environment for male employees and retaliating against them for complaining about the harassment. In particular, the suit alleges that male employees were the subject of sexual comments, were propositioned for sex, were touched and grabbed, and were sexually assaulted by a Nabisco male supervisor.

The Commission seeks monetary damages for the male employees who were subjected to this conduct as well as certain equitable relief to make certain that this conduct does not recur. Under the Civil Rights Act of 1991, which amended Title VII, individuals are entitled to up to \$300,000 each in compensatory and punitive damages - in addition to other relief - for egregious discrimination by large employers (those with 500 employees or more). The EEOC filed suit after exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

"The EEOC has long held that sexual harassment of men by men at work violates federal civil rights laws - a position that was affirmed by the Supreme Court in 1998," said Charles E. Guerrier, Regional Attorney for the federal Agency's Birmingham District Office, which filed the suit. "No person should be required to run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living."

Sexual harassment charge filings with the EEOC by men have shown a steady increase over the years from 10% of all sexual harassment filings in Fiscal Year 1994 to nearly 14% of all such filings in FY 2001. The Commission does not statistically track same-sex, male-on-male, harassment charges because the agency does not track the sex of the alleged harasser. Nevertheless, anecdotal evidence shows that most sexual harassment allegations by men are against other men.

Cynthia Pierre, District Director of the EEOC's Birmingham office, said: "Employers have an obligation under the law to make certain that those whom they put in charge of the workplace do not create an offensive and sexually-charged environment for men or women. Additionally, when an employer learns of such unlawful conduct, that employer must take prompt and effective action to make certain that the harassment stops and the environment that fostered such harassment is dismantled. Failure to do so, will result in action by the EEOC."

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, EEOC enforces the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's Web site at [www.eeoc.gov](http://www.eeoc.gov).

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