

The U.S. Equal Employment Opportunity Commission

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EEOC REACHES \$700,000 SETTLEMENT WITH DIRECT MARKETING SERVICES

Agency's Largest Monetary Settlement for Race Discrimination in State of Arizona

PHOENIX - The U.S. Equal Employment Opportunity Commission (EEOC) announced today that several African American former employees of Direct Marketing Services' Peoria, Ariz., facility will receive a total of \$700,000 as part of the terms of a consent decree settling charges of racial harassment and other race-based discrimination issues filed against the company. The decree, the largest monetary settlement of a race discrimination case in the history of the agency's Phoenix office, was also approved today by federal district court Judge Stephen M. McNamee.

EEOC Chairwoman Ida L. Castro said that each of the eleven individuals who suffered the discrimination will receive a letter of apology from the company. "This might help bring closure to the humiliation they suffered," she said, "but, from the perspective of the EEOC, it merely highlights the unfortunate fact that the American workplace is far from turning the corner on race bias. The EEOC will continue to root out racial harassment and other forms of illegal discrimination through vigorous enforcement of the laws prohibiting such practices."

The consent decree settles a lawsuit filed by the EEOC after an investigation concluded that the former employees of the telemarketing firm were racially harassed, paid unequal wages, and denied promotions at the company. Efforts by the EEOC to conciliate the charges prior to filing suit were unsuccessful.

Under the decree, which will be enforced over the next two years, Direct Marketing Services will provide mandatory training on Title VII of the 1964 Civil Rights Act to all employees at its facilities. Title VII prohibits employment discrimination based on race, color, religion, sex, or national origin. The decree further enjoins the company from engaging in race, sex and national origin discrimination and from retaliating against anyone who opposes discrimination.

The company also has been ordered to maintain all relevant records, post a notice about its anti-discrimination policies, and to institute policies, practices, and procedures that ensure a discrimination-free working environment. One such procedure will be to evaluate supervisors, managers and human resource personnel on their performance in responding to complaints of discrimination.

Charles D. Burtner, head of EEOC's Phoenix office, credits the state chapter of the NAACP with bringing the civil rights group's concerns about area telemarketing businesses to the attention of the EEOC. "This case is an example of the role that advocacy organizations play in the Commission's efforts to eliminate job discrimination," said Burtner.

EEOC General Counsel C. Gregory Stewart said, "The EEOC will fight to stop race discrimination -- in all of its forms." He added: "In this case there was ugly racial harassment, race segregated facilities. . . No worker should have to tolerate this discriminatory treatment in order to support themselves and their families."

Commenting on the potential effect of the settlement on area businesses, EEOC Regional Attorney Richard R. Trujillo said, "For an industry that relies on telephonic communication it is particularly important to remember that Title VII protects all workers in the workplace from race discrimination. As this case proves, it can be costly to employers who don't provide these protections."

In addition to enforcing Title VII of the Civil Rights Act, the 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.

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