

The U.S. Equal Employment Opportunity Commission

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EEOC Agrees to Landmark Resolution of Discrimination Case Against Abercrombie & Fitch

LOS ANGELES – The U.S. Equal Employment Opportunity Commission (EEOC) and private plaintiffs today announced their mutual resolution of the lawsuit entitled *EEOC v. Abercrombie & Fitch Stores, Inc.*, Case No. CV-04-4731 SI, which was filed on November 10, 2004, in the United States District Court for the Northern District of California in San Francisco. The lawsuit alleged that Abercrombie & Fitch, which operates a nationwide chain of retail stores, violated Title VII of the Civil Rights Act of 1964 by maintaining recruiting and hiring practices that excluded minorities and women and adopting a restrictive marketing image, and other policies, which limited minority and female employment.

The lawsuit was amicably resolved by entry of a Consent Decree in the U.S. District Court, which provides that Abercrombie & Fitch will pay \$50 million to resolve the EEOC lawsuit along with two private class actions filed against Abercrombie & Fitch: *Gonzalez, et al. v. Abercrombie, et al.* and *West v. Abercrombie, et al.*

The Consent Decree enjoins Abercrombie & Fitch from:

- a. discriminating against applicants based upon race, color, national origin which includes African Americans, Asian Americans, and Latinos;
- b. discriminating against women due to their sex; and,
- c. denying promotional opportunities to women and minorities.

Abercrombie & Fitch has also agreed to develop and implement hiring and recruiting procedures to ensure compliance under the Decree. Abercrombie & Fitch agreed to ensure that minorities and women are promoted into manager-in-training and manager positions without discrimination. A Monitor will be hired to ensure Abercrombie's compliance with the terms of the Consent Decree, including reporting. Abercrombie & Fitch will hire a Vice President of Diversity and employ up to 25 diversity recruiters. Abercrombie & Fitch will devise new protocols for each of these areas. Abercrombie & Fitch will post a Notice on an internal web site and at all stores which will be periodically distributed to employees. Additionally, Abercrombie & Fitch will provide training to all of its managers. Most importantly, Abercrombie & Fitch also agreed to ensure that its marketing materials will reflect diversity.

EEOC's General Counsel Eric Dreiband stated, "The retail industry and other industries need to know that businesses cannot discriminate against individuals under the auspice of a marketing strategy or a particular 'look.' Race and sex discrimination in employment are unlawful, and the EEOC will continue to aggressively pursue employers who choose to engage in such practices."

EEOC's Los Angeles Regional Attorney, Anna Park, stated, "The most harmed group of individuals in this case were young minorities and young women. The Commission will ensure that these young workers, who may be entering the workforce for the first time, are actually afforded equal opportunities to compete for jobs."

Olophius Perry, Director of the EEOC's Los Angeles District Office, added, "By agreeing to resolve this case, Abercrombie & Fitch is expressing a commitment to the principles of equal employment opportunity. We commend Abercrombie & Fitch for its willingness to address our concerns head-on. We encourage employers to take a proactive approach in ensuring their workplaces are free of discrimination."

Gregory Gochanour, Supervisory Trial Attorney for the EEOC's Chicago District Office, stated, "This case should serve as a message to other employers that if they choose to make their employees part of their marketing they still need to abide by the federal anti-discrimination laws."

John Rowe, Director of the EEOC's Chicago District Office, added, "This case demonstrates that the EEOC can coordinate on a nationwide basis to confront national employers who maintain discriminatory practices. Using mediation to bring about compliance with federal anti-discrimination laws has been central to the Commission's effort to eradicate discrimination. The Abercrombie & Fitch consent decree, obtained after extensive mediation efforts, shows once again that significant results can be achieved without the delay, expense and uncertainty of protracted litigation."

EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin; 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 its web site at www.eeoc.gov.

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