

The U.S. Equal Employment Opportunity Commission

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CONTACT: Joan Ehrlich, District Director (415) 625-5611 c
William R. Tamayo, Regional Attorney (415) 625-5645 c
Linda Ordonio-Dixon, EEOC Senior Trial Attorney c
Evangelina Hernandez, EEOC Senior Trial Attorney c

Also: William J. Smith, W.J. Smith & Associates (559) 432-0986

JURY ORDERS HARRIS FARMS TO PAY \$994,000 IN SEXUAL HARASSMENT SUIT BY EEOC

EEOC and Plaintiff's Counsel Score Victory for Latina Farmworker Sexually Assaulted By Her Supervisor

Fresno, Calif. - In a trial ending today, a jury in U.S. District Court for the Eastern District of California in Fresno returned a \$994,000 verdict in favor of the U.S. Equal Employment Opportunity Commission (EEOC), Olivia Tamayo and her private counsel, W.J. Smith & Associates, in their sexual harassment lawsuit against Coalinga-based Harris Farms, one of the largest integrated farming operations in the Central San Joaquin Valley. According to the United Agribusiness League, Harris Farms is one of the largest agribusinesses in the nation and is California's largest cattle feeding operation. This case is one of nine sexual harassment lawsuits filed by the EEOC's San Francisco District Office against a California agricultural employer, and the first such case to go to trial.

The jury found Harris Farms liable for sexual harassment, retaliation and the constructive termination of Ms. Tamayo and awarded her \$53,000 in back pay, \$91,000 for front pay (what she would have earned if she had continued working at her job) and \$350,000 in compensatory damages for emotional pain and distress. The jury also awarded \$500,000 in punitive damages against Harris Farms to Ms. Tamayo.

A Mexican immigrant who began picking crops for Harris Farms as a seasonal farmworker and later became a regular employee in 1985, Ms. Tamayo testified that her supervisor forcibly raped her several times. He also subjected her to continuous verbal sexual harassment and intimidation. In addition, she described sexually offensive and threatening gossip from co-workers, as well as retaliation and a constructive discharge being given no choice than to quit in order to escape the workplace harassment.

After the jury verdict was read, Ms. Tamayo, a married woman and mother of five children, recalled how her supervisor and workplace environment caused her to fear for her family and her personal safety: "For a long time, I remained silent about what my supervisor did and said to me. He carried a gun and a knife, and bragged that he had fought another woman's husband before and gotten away with it. Only later, after he attacked me out of jealousy for speaking with another male supervisor, I decided I had to speak out."

Ms. Tamayo continued, "This was very hard and very frightening for me, but I finally reported his attacks, and I reported the talk and threats that some co-workers were saying about me. That's why it was so devastating when the company failed to protect me, let me work alone in the fields, and instead

punished me with a suspension." She concluded, "I thank the EEOC and my attorney, William Smith, for all their work on my case. I hope that today's result will help other women fight their fears and break their silence."

The suit (Civil Action No. F-02-6199 AWI), filed by EEOC in September of 2002, alleged that Harris Farms violated Title VII of the Civil Rights Act of 1964 by failing to prevent or end sexual harassment by a supervisor. The EEOC further charged that Harris Farms allowed Ms. Tamayo to work isolated in the fields and to endure co-worker harassment until, in March 2001, she felt compelled to quit her job, her primary employment for more than 15 years. EEOC's Regional Attorney William Tamayo (no relation to Ms. Tamayo) noted, "This is a major victory for the EEOC and for farm workers nationwide. As immigrant women with limited education and limited English, female farmworkers are particularly vulnerable to sexual harassment because they are often unfamiliar with the laws protecting them, and fearful of the financial and social consequences for themselves and their families. To overcome these obstacles to speak out against one's harasser takes a great deal of courage. We are happy that the jury recognized this and sent the message that employers need to stop sexual harassment and not retaliate against employees who complain."

Joan Ehrlich, Director of the EEOC's San Francisco District Office, noted: "Agriculture is California's second largest industry, after high tech, and the EEOC has received many charges of sexual harassment in this sector. We are doing our best, through aggressive litigation and extensive education for employers and workers both, to ensure that this trend changes. This jury's near million dollar verdict sends a strong message to Harris Farms and other employers that EEOC will vigorously prosecute employers who fail to investigate reports of harassment and instead choose retaliation to deal with any complaints."

Private counsel William Smith of Fresno, who joined with EEOC to represent Ms. Tamayo, said, "This was a blatant example of prohibited discrimination in the workplace. The outcome of this case sends a clear message that harassment and retaliation have serious consequences. We can never stop discrimination in the workplace if the very people who have the courage to oppose it are silenced." In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits sex-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; 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; and sections of the Civil Rights Act of 1991. For more information about EEOC, please visit www.eeoc.gov.

For English or Spanish interviews with Ms. Tamayo or EEOC staff, please call Eve Hernandez, cell (303) 472-7029

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