

- **EEOC v. Prima Frutta Packing, Inc., & J. Jesus Gonzales Labor Contractor**

No. C-03-04237 PJH (N.D. Cal. Mar. 11, 2004 and April 19, 2004)

The San Francisco District Office filed this Title VII action, alleging that 13 Hispanic seasonal laborers (11 women and 2 men) who worked during the cherry packing season at a California agricultural packing house (PF), were subjected to a barrage of verbal harassment based on national origin (Mexican and Salvadoran) and/or gender (female) by a manager-owner of the PF facility. The complaint also alleged that PF failed to take appropriate action to stop the harassment of the workers, one of whom worked directly for PF, the others for laborer contractors. On a daily basis, the manager made abusive comments to the Hispanic employees such as "Mexicans aren't worth shit," "Mexicans are lazy," and "Mexican bitches are only good to go to the bathroom and fuck men." Although the laborers complained about the harassment to management, they were told to ignore the manager's behavior. In accordance with a five-year consent decree, PF will pay \$235,000 in compensatory damages to the 13 workers; revise its nondiscrimination policies to discuss gender and national origin discrimination/ harassment and incorporate alternative routes in its complaint procedures; and make these policies and procedures available in English and Spanish and distribute them to all PF employees and to the supervisory personnel of each farm labor contractor. Using an outside consultant, PF also will provide training on gender and national origin discrimination to all employees who are responsible for supervising or managing its employees or for interacting with the labor contractor supervisors. On a quarterly basis, PF must notify EEOC counsel of whether it has received discrimination or harassment complaints and their resolutions.