

The U.S. Equal Employment Opportunity Commission

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EEOC RESOLVES SLAVERY AND HUMAN TRAFFICKING SUIT AGAINST TRANS BAY STEEL FOR AN ESTIMATED \$1 MILLION

Federal Agency Says 48 Thai Welders Forced to Work Without Pay in Squalid Conditions

LOS ANGELES – The U.S. Equal Employment Opportunity Commission (EEOC) today announced a major litigation settlement with Trans Bay Steel, Inc. for an estimated \$1 million in total monetary relief and compensation for 48 welders of Thai descent who were discriminated against and exploited due to their national origin.

EEOC charged that the class of Thai nationals, contracted under H2B visas by Trans Bay and a third party agency, were held against their will, had their passports confiscated, had their movements restricted, and were forced to work without pay. Additionally, some workers were confined to cramped apartments without any electricity, water, or gas.

At least 17 of the workers were told if they tried to leave the location where they were being forcibly held, the police and immigration officials would be called to arrest them. EEOC also contends that all the workers were made to pay exorbitant “fees” to the recruiting company which kept them in involuntary servitude. Ultimately, some of the workers escaped the slave-like conditions.

Trans Bay received a large sub-contract to provide services to retrofit the Bay Bridge and became the sponsoring employer for the workers. Trans Bay contracted with Kota Manpower Co., and Hi Cap Enterprises, Inc., to bring the skilled welders from Thailand to meet the needs of the project. While Kota and Hi-Cap brought over approximately 48 welders from Thailand, only nine of them went to work for Trans Bay. The remaining welders were brought to Los Angeles and Long Beach and forced to work without pay at Thai Restaurants owned by Kota Manpower and Hi-Cap, and forced to work other menial jobs without pay.

“The issues of human trafficking and slavery are an enforcement priority for the Commission,” said Anna Y. Park, Regional Attorney in EEOC’s Los Angeles District Office, which has jurisdiction for the southern half of California. “The EEOC is committed to the protection of all workers, particularly those most vulnerable in our society. The workers in this case sought out the American dream, but instead faced a nightmare.”

EEOC conducted a comprehensive investigation of the charges and, after extensive negotiations, entered into a three-year consent decree with Trans Bay to resolve the case for an estimated \$1 million in total monetary relief and compensation. Under the decree, Trans Bay will:

- Provide monetary relief for each of the claimants;
- Guarantee work on the Bay Bridge Project;
- Provide housing for the claimants who agree to work for Trans Bay, including a housing stipend;

- Pay for tuition and books at a local college for training as a welder;
- Provide sponsorship, if required, to continue to work in the U.S. and certify claimant welders;
- Guarantee minimum pay and a base pay once the claimants complete the training period;
- Pay the claimants relocation costs, including reimbursement for travel;
- Reimburse the claimants for moving expenses to relocate to Napa, Calif.

EEOC filed the lawsuit under Title VII of the Civil Rights Act of 1964, as amended in U.S. District Court for the Central District of California (U.S. EEOC v. Trans Bay Steel, Inc., Case Number CV 06-07766 CAS (JTLx)) after first attempting to resolve the matter out of court. Other injunctive measures contained in the consent decree include:

- Monitoring by the EEOC to ensure compliance;
- Training of Trans Bay's employees on anti-discrimination laws;
- Revising Trans Bay policies and procedures;
- Developing a viable complaint procedure.

EEOC Los Angeles District Director Olophius E. Perry said, "Through the cooperative efforts between the federal government and non-profit organizations, a just resolution was reached that is a win/win for the workers and for the employer."

The EEOC worked closely with non-profit organizations such as the Thai Community Development Center, the Coalition to Abolish Slavery and Trafficking, and the Legal Aid Foundation of Los Angeles.

EEOC is the federal agency responsible for enforcing the nation's anti-discrimination laws in the workplace. Further information about the EEOC is available on its web site at www.eeoc.gov.

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