

The U.S. Equal Employment Opportunity Commission

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CONTACT: Joseph H. Mitchell
(303) 866-1370
Francisco J. Flores, Jr.
(303) 866-1369
TTY: (303) 866-1950

EEOC SETTLES SAME-SEX HARASSMENT SUIT FOR A HALF MILLION DOLLARS AGAINST MAJOR COLORADO AUTO DEALERSHIP

Largest EEOC Settlement for Male-on-Male Harassment in Colorado

DENVER - The U.S. Equal Employment Opportunity Commission (EEOC) today announced a \$500,000 settlement of a sexual harassment lawsuit against Burt Chevrolet and LGC Management, one of the state's top auto chains, on behalf of 10 former salesmen who alleged persistent same-sex harassment by male managers.

In addition to the monetary benefits for the aggrieved individuals, the agreement requires Burt Chevrolet to provide mandatory training on sexual harassment to its executive and sales staff and report sexual harassment complaints to the EEOC for three years. The Consent Decree, signed by U.S. District Judge Clarence A. Brimmer of the District of Colorado, represents the largest settlement ever by EEOC's Denver District Office for a same-sex harassment case, and one of the biggest settlements ever by the agency on this issue.

"The scope of this settlement should put all employers on notice that sexual harassment, including male-on-male harassment, comes at a high cost," said EEOC Chairwoman Ida L. Castro. "As the Supreme Court recognized in the Oncale case in 1998, harassment is unlawful regardless of the gender of the victim or the harasser."

In August 1999, the EEOC settled a similar lawsuit for \$1.9 million against Long Prairie Packing Company, a meat packing plant in Long Prairie, Minn. The settlement, the agency's largest ever for same-sex harassment and its first class settlement on the issue, followed a precedent-setting decision by the U.S. Supreme Court in March 1998 in *Oncale v. Sundowner Offshore Services*. In that ruling, the Supreme Court upheld the Commission's longstanding policy that same-sex harassment by men against men may violate Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment.

EEOC's lawsuit, filed on September 28, 1999, charged Burt Chevrolet with creating a hostile work environment for male employees. According to the suit, a group of salesmen were subjected to severe and repeated sexual harassment by male managers. The unlawful conduct included the touching and grabbing of genitals, pelvic thrusting on the buttocks of male employees, exposing of a manager's penis in the workplace, crude sexual language, crude sexual jokes, and referring to male employees in sexually obscene and derogatory terms.

"The allegations made are not representative of our organization and we will continue to maintain our long-standing zero tolerance' of harassment policy at the company," said L.G. Chavez, Executive Vice President of Burt Chevrolet. "We found it to be in the best interest of everyone involved to get this matter behind us and not become engaged in a protracted legal battle."

While the alleged unlawful behavior was primarily carried out by two male used car managers, the suit alleged that numerous other managers contributed to and perpetuated the hostile environment by telling sexual jokes, presenting sexual materials at sales meetings, and tolerating offensive sexual conduct in the workplace. Burt vigorously maintains that the workplace was not as described by the EEOC.

"The Commission will continue to prosecute harassment cases to the fullest extent of the law when employers reject our pre-litigation attempts at voluntary resolution," said EEOC General Counsel C. Gregory Stewart. "Even though employers may have anti-discrimination policies in place, they must make sure that such policies are taken seriously and implemented, not merely put on a shelf to gather dust."

Although Burt Chevrolet had a written policy in place prohibiting sexual harassment and stating its commitment to promptly investigate such allegations, the suit alleged that complaints by the salesmen went unheeded by management for nearly a year. Moreover, according to the suit, management generally dismissed the offensive conduct as "horseplay" or "locker room antics."

Neither of the managers were terminated or demoted out of management for the alleged harassment, although one supervisor was given a written warning. In this matter as well, Burt disputes the EEOC's claims of inaction.

Burt claims it thoroughly investigated the matter and took appropriate remedial action as soon as the allegations were brought to the attention of management.

"This is an important case to dispel common misconceptions about sexual harassment and hostile work environments," said Joseph H. Mitchell, regional attorney of the agency's Denver District Office, who was responsible for prosecuting the case.

"The conduct in this case involved verbal ridicule and physical torment which created a hostile work environment designed to undermine the masculinity of male personnel," said Mitchell. "If such blatant discriminatory action was directed toward female workers, there would be no disagreement over whether it was sexual harassment. But because it happened to men, management was initially indifferent to the situation. We are pleased that Burt has agreed to work with the EEOC to better educate managers and employees about their obligations to intervene and report harassing or discriminatory conduct, so that problems may be promptly addressed. We hope that this lawsuit and the consent decree will prompt an on-going, open dialogue with Burt so that together, we can work toward solving discrimination problems before they turn into federal cases."

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, the EEOC also enforces the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector; sections of the Civil Rights Act of 1991; and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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