

The U.S. Equal Employment Opportunity Commission

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Three Florida Employers to Pay Total of \$570,000 for Unlawful Retaliation, in EEOC Settlements

Discrimination Cases Span State from Jacksonville to Tampa to Florida Keys

MIAMI - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of three recent retaliation lawsuits against Florida employers filed under Title VII of the Civil Rights Act of 1964, netting a combined total of \$570,000 for charging parties as well as significant injunctive and remedial relief. The settlements occurred on March 3, 2003, against GeoLogistics Americas, Inc. of Jacksonville for \$100,000, in January 2003 against the Marine Bank of the Florida Keys for \$220,000, and in late December 2002 against Norstan Apparel Shops, Inc. of Tampa for \$250,000. All three suits were filed after the EEOC exhausted its conciliation efforts to reach voluntary pre-litigation settlements, after investigating each case and finding that discrimination took place.

"These cases all involved allegations of discriminatory discharge of employees for exercising federally protected rights," said Delner Franklin-Thomas, Regional Attorney for the EEOC's Miami District Office, which has jurisdiction over Florida. "Retaliating against employees for complaining about what they reasonably believed to be employment discrimination is completely contrary to federal law. The settlement of these lawsuits should remind employers that retaliation is unlawful and will not be tolerated by the EEOC."

The EEOC's suit against GeoLogistics Americas, Inc. (Civil Action No. 3:01-CV-216-J-32TEM) alleged that the Branch Manager in Jacksonville fired a female employee in retaliation for exercising her right to complain of what she reasonably believed to be gender discrimination. Specifically, she complained that GeoLogistics provided forklift training and certification to the male employees required to lift the same heavy freight from one area of the company's warehouse to another, but consistently denied her requests for such training and certification because of her sex.

An order adopting a Consent Decree, signed by United States District Court Judge Timothy J. Corrigan, finally brought the litigation to closure on March 3 and required GeoLogistics to pay \$100,000 to the female employee. In addition to the payment of monetary relief, the Consent Decree required GeoLogistics to employ injunctive measures during the next three years, including:

- The distribution and posting of an anti-discrimination policy to all employees;
- Annual training of its managers on Title VII retaliation by experienced employment trainers; and
- Semi-annual reporting to EEOC regarding its compliance process.

The Commission will monitor GeoLogistics' compliance with all provisions of the Consent Decree throughout its three year duration.

In January of this year, the EEOC's Miami office settled a similar lawsuit against Marine Bank of the Florida Keys (Case No. 01-10082-CIV-PAINE). In that case, the EEOC charged the company with allowing a vice president's sexually offensive conduct to go unchecked and subsequently terminating one of the female employees for complaining about the sexually offensive conduct. The Marine Bank litigation was resolved with the company agreeing to pay two claimants \$220,000 as well as agreeing to implement extensive

injunctive relief, including annual training at all of its facilities in the state of Florida for both management and supervisory employees, a laminated notice posting, and semi-annual monitoring reports.

Similarly, in late December 2002, the federal agency's Miami office successfully secured substantial injunctive relief, and \$250,000 in monetary relief, including back pay and compensatory damages for a female manager who worked for Norstan Apparel Shops, Inc. in Tampa (Case No. 8:01-CV-379-T-26EAJ). EEOC's lawsuit contended that the store manager was fired for complaining to district managers about the sexual harassment that female employees under her supervision suffered at the hand of another male manager.

Federico Costales, Director of the EEOC's Miami District Office, said: "We are satisfied that the injunctive measures required by all three Consent Decrees will ensure that preventive measures are in place to protect the rights of other employees in the workplace." He added that he would like to see more employers set in place preventive measure that will advance the eradication of discrimination in the workplace, especially for retaliation which is on the rise nationally.

Costales noted that retaliation charge filings with the EEOC nationwide have sharply increased by 33% from 17,070 filings in Fiscal Year 1995 to 22,768 filings in FY 2002. In Florida, there were 1,725 retaliation filings in FY 2002, accounting for 29% of all discrimination charge filings in the state. Most charges filed with the EEOC in which merit is found are resolved through conciliation and voluntary pre-litigation settlements.

In addition to enforcing Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on national origin, sex (including pregnancy and sexual harassment), race, color, religion, and retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967; The Equal Pay Act of 1963; the Rehabilitation Act of 1973; Title I of the Americans with Disabilities Act of 1990; 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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