

The U.S. Equal Employment Opportunity Commission

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JURY FINDS OUTBACK STEAKHOUSE GUILTY OF SEX DISCRIMINATION AND ILLEGAL RETALIATION; AWARDS VICTIM \$2.2 MILLION

TAMPA, Fla. - The U.S. Equal Employment Opportunity Commission (EEOC) announced today that a jury in the U.S. District Court for the Middle District of Florida awarded \$2.2 million to Dena Zechella, a former employee of Outback Steakhouse. The jury found that Outback paid Zechella - a female - considerably less than a similarly situated male employee who performed the same job duties. The jury also found that Outback had subjected Zechella to different terms and conditions of employment because of her sex and terminated her in retaliation for having complained about the discriminatory treatment.

The jury awarded Zechella \$64,000 in back wages, \$50,000 in compensatory damages for her emotional pain and suffering, and \$2.1 million in punitive damages after concluding that Outback had acted with malice and reckless indifference to Zechella's federally protected rights.

Outback hired Zechella in February of 1995 as a Site Development Assistant for the company's Construction Department located in Tampa, Fla. As the company's chain of restaurants began to grow, so did Zechella's job responsibilities; Outback charged Zechella with responsibility for assisting the Construction Department with the acquisition and development of approximately 100 new restaurant sites each year.

In November 1996, Outback hired a male - with no background or experience in the construction industry - to perform the same job functions as Zechella. After Zechella had personally trained the new male employee to perform in the job, Outback transferred almost all of Zechella's primary job functions to him. When Zechella complained, Outback transferred her to a clerical position.

Zechella later realized that Outback hired the male employee whom she had trained at almost twice her salary. When Zechella complained again, Outback's CEO promised to resolve the situation by the time she returned from vacation. When Zechella returned from vacation, however, Outback summarily terminated her employment. The company also refused to give Zechella her last paycheck until she signed a release. Zechella refused to sign the release and, instead, filed her charge with the EEOC.

"The jury's decision and award in this case reaffirm the principle that gender-based pay discrimination and unlawful retaliation in the workplace cannot be tolerated," said EEOC Chair Cari Dominguez. "EEOC is firmly committed to continued vigorous enforcement of the federal civil rights laws. I urge all employers to take proactive steps to evaluate their employment policies and practices and to eliminate any and all barriers in the workplace that deprive women of the freedom to compete in the workplace and to achieve their fullest potential."

"The EEOC is pleased with the jury's decision," said Delner Franklin-Thomas, Regional Attorney for the EEOC's Miami District Office, which litigated the case. "The \$2.2 million jury verdict sends a strong message to Outback and all employers nationally that loyalty to the 'Old Boys Club' cannot serve to justify employment decisions which favor males at the expense of female employees," she said.

Miami District Director Federico Costales commented that "the EEOC takes a very strong stance against employers who retaliate against their employees for exercising their right to complain of discrimination. Ms. Zechella's termination violated the very cornerstone of the Act the individual's right to seek redress of employment disputes through the EEOC."

The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age and older; sections of the Civil Rights Act of 1991; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local government; and the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities in federal government employment. More information about the Commission is available on the agency's Web site at www.eeoc.gov.

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