

The U.S. Equal Employment Opportunity Commission

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WAL-MART TO PAY \$315,000 TO SETTLE TWO EEOC SUITS FOR SEXUAL HARASSMENT AT STORE IN CENTRAL FLORIDA

Agency Also Announces \$275,000 Settlement with R.T.G. Furniture for Sex and Race Bias

TAMPA – The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlements of separate employment discrimination lawsuits filed against Wal-Mart Stores, Inc. and R.T.G. Furniture Corp. for a combined total of \$590,000 on behalf of five individuals who were subjected to egregious sexual and racial harassment at stores in Central Florida. In addition to the monetary relief, both employers will take significant steps to prevent and address any future reports of discrimination.

The lawsuits against both companies were filed under Title VII of the 1964 Civil Rights Act and resolved by consent decrees in the U.S. District Court for the Middle District of Florida in Tampa. Wal-Mart will pay \$315,000 to settle the EEOC's two suits (8:04-cv-01862 – SDM-MSS and 8:05-cv-313-JDW-MSS) charging the Arkansas-based retail giant with subjecting three female employees to sexual harassment at the same Super Center store in Bradenton, Fla. The consent decree further requires that Wal-Mart comply with other non-monetary relief, such as posting its anti-discrimination policy; providing annual training for its managers regarding sexual harassment; and entering into a three-year monitoring period by the EEOC to ensure compliance with Title VII.

EEOC's first lawsuit against Wal-Mart, filed on August 12, 2004, charged the company with allowing sexual harassment of two of its female associates by a male department manager to go unchecked, notwithstanding the employees' complaints to management. The sexually hostile work environment at the store included the male manager exposing himself to the women; touching, grabbing and fondling the women; making sexually suggestive comments; requesting sex; and other lewd and unlawful conduct. Despite notice to Wal-Mart's management, the harassment continued until one of the female employees was forced to quit her job in January of 2003. The manager who perpetrated the sexual harassment ultimately resigned his employment.

The second suit against Wal-Mart, filed by the EEOC on February 17, 2005, charged the company with permitting another of its female associates to be sexually harassed by the store assistant manager at the same store location of the two women involved in the 2004 suit. In this case, the assistant manager who committed the harassment interviewed and hired the female associate in January of 2002. Shortly thereafter, he began sexually propositioning her, subjecting her to vulgar language and unwanted sexual comments, and touching private parts of her body. Despite notice received by the store manager regarding inappropriate sexual conduct, nothing was done to stop the illegal behavior until the assistant manager was transferred out of that store for unrelated reasons.

In addition to the Wal-Mart settlement, the EEOC's Miami District Office announced that R.T.G. Furniture Corp. will pay \$275,000 to settle a lawsuit charging the company with subjecting two employees to racial and sexual harassment at its Rooms To Go Seffner Clearance Center in the Tampa area. The suit (civil action number 8:04-cv-2155-T24-TBM) was filed by the EEOC on September 28, 2004, after the agency first attempted to reach a voluntary pre-litigation settlement.

In the R.T.G. case, Tammy Leigh and Tanya Shelton, who worked as sales associates, contended they were sexually harassed by their immediate supervisor. The harassment ranged from highly charged sexual comments to inappropriate touching. Leigh, who is African American, also testified during depositions that she was subjected to racial harassment, including racial slurs and persistent racially offensive references to African American customers.

In addition to the monetary relief for the charging parties, the consent decree requires R.T.G. Furniture Corp. to enter into a three-year monitoring period by the EEOC to ensure compliance with Title VII; provide annual training for its managers and supervisory personnel on the requirements of Title VII; and post an anti-discrimination notice affirming its commitment to comply with the law.

"Racial and sexual discrimination are intolerable in any workplace," said EEOC's Miami District Director Federico Costales. "The settlement of these case advances the EEOC's efforts to eradicate employment discrimination, and should remind Florida employers to heighten their awareness to job bias by taking proactive measures to prevent it."

EEOC Miami Regional Attorney Delner Franklin-Thomas said, "These cases are similar in that they involve large employers who had in place written harassment policies. But policies alone are not always enough. The staff in charge of implementing the policies failed to take appropriate corrective action. Harassment policies work best when supervisors and managers are trained on what to do when they receive complaints. Employers should not just leave such policies on a shelf to gather dust."

EEOC is the government agency responsible for enforcing the federal laws prohibiting employment discrimination. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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