

- **EEOC v. Bally North America, Inc.**

No. 05-00631 (D. Haw. Jan. 4, 2006)

The San Francisco District Office alleged in this Title VII case that Bally North America, which sells high-end shoes, accessories, and apparel nationwide, subjected charging party, the manager of its Honolulu store, to a hostile work environment and disparate discipline based on her race (Asian) and national origin (Taiwan Chinese). The complaint also alleged that defendant discharged charging party based on her race and national origin and in retaliation for engaging in protected activity. Defendant hired charging party as an assistant store manager at its Ala Moana Shopping Center in Honolulu and 6 months later, in May 2001, promoted her to general manager. In September 2001, a Korean assistant manager in charging party's store complained to charging party's supervisor (non-Asian) that charging party had made disparaging remarks about Koreans and had a difficult and harsh managerial style. Charging party's supervisor sided with the assistant manager and placed a copy of the subordinate's complaint in charging party's file. Through a private attorney, charging party unsuccessfully sought to have the allegations removed from her file. The relationship between charging party and her supervisor then deteriorated: charging party's supervisor made frequent derogatory comments about charging party's Chinese ethnicity and her managerial style. Within a 1-week period in early 2002 she placed 13 written reprimands in charging party's file (7 on 1 day and 6 on another), most of which concerned events that had occurred weeks earlier. Charging party sent two letters to defendant complaining about the harassment by her supervisor and was terminated in March 2002, 1 week after the second letter.

The parties resolved the case through a 2-year consent decree providing \$200,000 in monetary relief to charging party. Defendant must provide a workplace free of discrimination based on race or national origin, including harassment. The affirmative relief in the decree, which applies to both of defendant's stores in Hawaii, includes training on race, national origin, and disability discrimination (and for managers, retaliation) and semiannual reporting to the EEOC on internal discrimination complaints filed by employees.