

The U.S. Equal Employment Opportunity Commission

FOR IMMEDIATE RELEASE
August 13, 2003

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EEOC Files Two Suits Against Caterpillar for Harassment at Illinois Facilities



Pictured are Charging Party Karon Lambert (left) and EEOC Chicago Trial Attorney Lauren Dreilinger (right). Ms. Lambert's sexual harassment case resulted in EEOC's litigation against Caterpillar's Aurora facility.

Federal Agency Challenges Racial and Sexual Harassment at Joliet and Aurora Plants

The U.S. Equal Employment Opportunity Commission (EEOC) today filed two employment discrimination lawsuits in federal court in Chicago against Caterpillar, Inc. under Title VII of the Civil Rights Act of 1964. In the suits, the EEOC separately alleges racial and sexual harassment at Caterpillar's facilities in Joliet and Aurora, Illinois, respectively.

Caterpillar is an international Fortune 100 company and the manufacturer of the well-known yellow Caterpillar bulldozers, earthmovers, trucks and other heavy construction equipment, with corporate headquarters and its principal manufacturing and assembly facility in Peoria, Illinois. Caterpillar's facility in Joliet has over 1,000 employees and there are over 2,000 employees at Aurora.

In the case involving Caterpillar's Joliet facility, the EEOC maintains that during 2000 and 2001 Caterpillar permitted the racial harassment of at least three African American employees (George Ervins, Stanley McCallum and Rickey McNeal) who worked in "Building C" of that facility. EEOC said that its administrative investigation which preceded the suit showed that, among other things, certain white employees made a practice of whistling at the African American employees as if they were dogs, and that management refused to act on complaints about the practice.

One of the Joliet employees who filed Charges with the Commission, Stanley McCallum, said, "Some of my co-workers and a supervisor repeatedly whistled at me like you would whistle at a dog. I thought it was really racially insulting and harassing. I was disappointed that, even after I complained about it, Caterpillar didn't discipline the harassers."

The EEOC said that, among the excuses Caterpillar management offered for the whistling at Black employees, was that one of the employees involved "had a sinus problem."

In the case involving the Aurora facility, EEOC alleges that a supervisor sexually harassed Safety Industrial Hygiene Supervisor Karon Lambert ("Lambert") and a class of women. EEOC also contends that Caterpillar retaliated against Lambert and other women for opposing the harassment. EEOC's investigation revealed that the sexual harassment at Aurora involved both sexually offensive propositions and comments and unwelcome inappropriate physical touching. According to EEOC, when women complained about the harassment they were fired.

"It's bad enough," Charging Party Lambert said, "that I and other women has to experience constant sexual harassment from our supervisor, but being fired for standing up for ourselves was just about as bad."

John Hendrickson, EEOC's Regional Attorney in Chicago, said, "The two suits we have filed today are evidence that harassment may remain a serious problem even for the world's premier employers – especially when they fail to act on complaints received. In these cases, some of the excuses given by management for not taking corrective action were virtually as insulting as the original harassment and compounded the problem, as did the company's rush to retaliate."

Hendrickson continued, "Employer's should learn from both of these cases that how they react after learning of claims or harassment may overshadow the harassment itself and make them liable for damages in a higher order of magnitude. Suffice it to say, Caterpillar did not do itself any favors in either of these situations."

Both EEOC lawsuits, which were filed after the agency's efforts to voluntarily conciliate the matters with Caterpillar proved futile, seek compensatory and punitive damages, as well as injunctions barring future discrimination and requiring Caterpillar to implement measures to prevent recurrences. Both are captioned EEOC v. Caterpillar, Inc. The Joliet case has been designated N.D. Illinois No. 03-C-5637, and the Aurora case has been designated N.D. Illinois No. 03-C-5636.

EEOC Chicago District Director John P. Rowe said, "These are cases in which Caterpillar was made aware that it had a problem, but failed to seize the opportunity to take prompt and effective action. Now EEOC and, ultimately, a judge and jury will be doing for the company what it could have done for itself. That these harassment cases may not involve conduct as widespread and outrageous as that in some other cases brought by EEOC, makes it all the more remarkable that Caterpillar let the problems fester until litigation became inevitable." Rowe added, "We trust that other employers will learn from this scenario that conscientious compliance efforts pay dividends and that there is no substitute for acting quickly and effectively whenever harassment crops up."

In addition to enforcing Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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