

- **EEOC v. PAL Health Technologies, Inc.**

No. 04-1337 (C.D. Ill. Nov. 30, 2005)

The Chicago District Office filed this Title VII suit alleging that defendant, which manufactures and markets orthopedic equipment, subjected two charging parties and similarly-situated women at its Pekin, Illinois facility to sexual harassment and constructively discharged the two charging parties. At the time they resigned, both charging parties had worked for defendant for at least a year and held responsible positions (territory sales manager and director of new business development). The President/CEO, who managed defendant from a Florida office, visited the Pekin office for 3 or 4 days every few weeks and kept in frequent contact with the Pekin employees by telephone. The CEO made sexually suggestive comments, used derogatory terms to refer to women, and touched women inappropriately. Although defendant investigated at least two of the women's complaints, it failed to take effective corrective action. Finally, both charging parties quit because of the sexual harassment, one after she was hospitalized for an emotional breakdown caused by the negative tone of the investigation into her internal harassment complaint.

Under the 3-year consent decree resolving this case, defendant will pay \$350,000 in monetary relief to eight women named in the decree: two will receive \$25,000 each and the other six \$50,000. The decree states that the two charging parties received additional monetary damages totaling \$180,000 under a separate, private agreement with defendant. Defendant is permanently enjoined from sex discrimination, sexual harassment, and creating, facilitating, or tolerating a work environment that is sexually hostile to female employees. Defendant is also prohibited from engaging in retaliation under Title VII. At each of its locations, defendant must post a notice summarizing the allegations in the complaint and the principle requirements of the consent decree as well as information on how to contact the EEOC's Chicago District Office with a complaint.

Defendant will retain Dana Pearl, President of The Human Organization, Inc., based in Evanston, Illinois, as the Complaint Monitor. The Complaint Monitor will be responsible for independently investigating all sexual harassment complaints against defendant and for recommending disciplinary or corrective action. The decree requires defendant to take at a minimum all necessary and appropriate remedial measures that the Complaint Monitor recommends. Defendant is required to retain an outside Trainer, approved by EEOC, to train all employees in each of the 3 years covered by the decree on the prevention and eradication of sexual harassment from the workplace, the complaint procedure, and the Complaint Monitor's role. The Trainer will provide the CEO with a minimum of 4 hours of one-on-one training (or longer if the Trainer deems it necessary) annually, which will include the causes of sexual harassment and the effect of sexual harassment on its victims. Prior to the trainings, the Trainer will be allowed to familiarize himself/herself with the allegations raised in the case. The decree provides that every 6 months the Complaint Monitor will provide the parties with a detailed written report on each sexual harassment complaint received (including the name of the complainant, allegations, summary of the investigation, and resolution). The Complaint Monitor must file a redacted copy of the report with the court.