

The U.S. Equal Employment Opportunity Commission

IMMEDIATE RELEASE
January 12, 2005

Contact: Lynn Y. Bruner
District Director
(314) 539-7830
Cell (913) 530-0394

Donna L. Harper
Supervisory Attorney
(314) 539-7914

Robert G. Johnson
Regional Attorney
(314) 539-7910

Anne E. Gusewelle
Senior Trial Attorney
(913) 551-6641

CONSOLIDATED FREIGHTWAYS TO PAY \$2.75 MILLION FOR RACIAL HARASSMENT OF AFRICAN AMERICANS

EEOC Suit Said Dockworkers Subjected to Physical Assault, Nooses and Racial Slurs

KANSAS CITY, Kan. - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of an employment discrimination lawsuit under Title VII of the 1964 Civil Rights Act against Consolidated Freightways Corporation of Delaware for \$2,750,000 on behalf of 12 African American dockworkers who were subjected to a racially hostile work environment at the Kansas City, Missouri, facility.

The Commission alleged in the lawsuit that co-workers subjected the African American employees to racial intimidation which included hanging nooses in the workplace, assaults, threats of physical harm, displaying racially offensive graffiti, damaging property and other harassment. Consolidated, which filed a petition for relief under the Bankruptcy Code on September 3, 2002, and is now in the process of liquidation, was one of the largest freight transportation companies in North America.

In EEOC's suit, filed on May 31, 2002, in the United States District Court for the Western District of Missouri, Western Division (No. 4:02-CV-00519-DW), the Commission alleged that Consolidated knew about but did nothing to stop the racial harassment, and that it disciplined one of the employees for complaining about the harassment. The litigation was filed by EEOC after the agency investigated charges of discrimination, found merit, and exhausted its conciliation efforts to reach a voluntary pre-litigation settlement.

The settlement, in the form of a Consent Decree, provides monetary relief to former dockworkers at Consolidated's Kansas City, Mo.-based facility. It calls for Consolidated to pay \$2,750,000 to the former employees and their private attorneys. The amount of the actual recovery will be determined by the Bankruptcy Court based on the company's remaining assets.

Lynn Bruner, Director of the EEOC's St. Louis District Office, said, "No employee should be subjected to graphic racial symbols, racial graffiti or threats of physical violence, and no company should tolerate such behavior in their workplace. By continuing to pursue this case even after the company filed for bankruptcy, EEOC hopes to alert employers everywhere that it considers this issue to be extremely serious and will act accordingly."

Consolidated denies the EEOC's allegations of race discrimination and asserts that it is entering into the Consent Decree because it believes that it is in the best interests of its bankruptcy estate and its creditors.

Robert Johnson, the EEOC's Regional Attorney in St. Louis, said, "The company's bankruptcy keeps us from obtaining full relief for these victims of gross racial harassment, but we expect that they will soon receive substantial compensation from the bankruptcy proceedings."

In addition to enforcing Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin, the EEOC enforces the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments and prohibitions against discrimination affecting individuals with disabilities in the federal sector; the Age Discrimination in Employment Act; the Equal Pay Act; and sections of the Civil Rights Act of 1991. Further information about the EEOC is available on the agency's web site at www.eeoc.gov.

This page was last modified on January 12, 2005.



[Return to Home Page](#)