

The U.S. Equal Employment Opportunity Commission

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EEOC ANNOUNCES \$2.1 MILLION SETTLEMENT OF WAGE DISCRIMINATION SUIT FOR CLASS OF FILIPINO NURSES

KANSAS CITY, MO -- The U.S. Equal Employment Opportunity Commission (EEOC) today announced a \$2.1 million settlement of a class employment discrimination lawsuit against Woodbine Healthcare Center (Woodbine), a nursing home in Gladstone, Mo. The suit alleged that Woodbine discriminated against 65 Filipino registered nurses in wages, assignments, and other terms and conditions of employment due to their national origin.

"This is the second significant settlement in a week that EEOC has handled dealing with discrimination against foreign-born workers," said EEOC Chairwoman Ida L. Castro. "The first, a \$1.8 million settlement, brought relief to a class of agricultural workers in California and Arizona. Today's settlement stems from an instance of employees who, because of their country of origin, have been denied the dignity of working in a discrimination-free workplace that compensates them fairly. Foreign-born employees ought not be deprived of an equal opportunity to reach the American Dream."

In the proposed Consent Decree filed today with U.S. District Judge Scott O. Wright in Kansas City, Mo., Woodbine agreed to pay \$2.1 million to the class of 65 Filipino nurses and their attorneys, Anderson & Associates. Of that amount, the class will share in compensatory damages of approximately \$1.2 million and backpay and interest of approximately \$470,000. Their attorneys will receive approximately \$400,000 in fees and \$30,000 in expenses. The backpay was based on the average rate of pay that U.S. nurses earned while working for Woodbine.

In 1993-1995, Woodbine petitioned the Immigration and Naturalization Service (INS) to allow it to employ foreign registered nurses in its nursing home, claiming a shortage of registered nurses in the Kansas City area. Woodbine promised to employ the Filipinos as registered nurses and pay them the same wages it paid U.S. registered nurses.

However, contrary to its pledge, Woodbine paid the Filipino nurses about \$6.00 an hour less than their U.S. counterparts. Moreover, rather than employing the Filipinos as registered nurses, they were assigned as nurses aides and technicians. And even those Filipino nurses who were ultimately assigned to registered nurse jobs received lower pay than the U.S. nurses at Woodbine.

In 1996, two of the Filipino nurses filed discrimination charges with EEOC. An agency investigation found reasonable cause that Woodbine violated Title VII of the Civil Rights Act by failing to assign and compensate the Filipino nurses as registered nurses, and harassing and intimidating them because of their national origin.

Following EEOC's "cause" finding, Woodbine rejected efforts to conciliate the matter and one of the Filipino nurses, Aileen Villanueva, filed a private discrimination lawsuit. The EEOC intervened in the suit, alleging a pattern and practice of discrimination against all of the Filipino nurses at Woodbine, after the Commission's General Counsel certified that the case was of general public importance. "EEOC's intervention was instrumental in achieving a swift class settlement in this case," said Chairwoman Castro.

EEOC General Counsel C. Gregory Stewart remarked: "This case establishes that employers cannot take advantage of foreign-born employees by paying them less and assigning them to menial jobs without regard to their skills. The Commission's National Enforcement Plan has targeted cases such as this involving broad-based employment discrimination in pay and assignments."

In addition to the EEOC's suit, the U.S. Department of Labor (DOL) earlier investigated Woodbine for prevailing-wage discrimination violations concerning the 65 Filipino nurses. As a result of the DOL investigation, Woodbine agreed in 1998 to pay \$700,000 in back pay and penalties, with the payments spread over a three-year period.

Among other provisions of today's settlement, Woodbine will immediately provide the full payment under its previous agreement with DOL -- bringing the total recovery from the combined proceedings to \$2.8 million. "I am extremely pleased that the Commission was able to work closely with the Department of Labor to obtain full relief for these victims of such egregious discrimination," Ms. Castro said.

In addition to the monetary awards, Woodbine also agreed to send each Filipino nurse a letter of apology. The letter states: "We wish to personally express our deep regret for any offensive conduct by Woodbine's managers, supervisors and administrators... including being mis-assigned into a lower-paying and less responsible position than that of a Registered Nurse, and being treated differently from the U.S. employees in other ways."

Lynn Y. Bruner, Director of EEOC's St. Louis District Office, said: "This settlement should send a clear message to the employer community that EEOC will vigorously enforce the right of workers to be fairly compensated for their work, despite their national

origin, race, or gender."

Woodbine was recently acquired by new owners who were not named in the complaints and did not participate in the settlement.

EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age or older; sections of the Civil Rights Act of 1991; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments; and the Rehabilitation Act's prohibitions against disability discrimination in the federal government.

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