

The U.S. Equal Employment Opportunity Commission

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'BABIES R US' TO PAY \$205,000, IMPLEMENT TRAINING DUE TO SAME-SEX HARASSMENT OF MALE EMPLOYEE

NEWARK, N.J. - The U.S. Equal Employment Opportunity Commission (EEOC) has announced the resolution of its employment discrimination lawsuit against Babies "R" Us, Inc., a division of the toy store giant, Toys "R" Us of Paramus, N.J. The lawsuit charged the company with subjecting Andres Vasquez of Paterson, N.J., to a sexually hostile work environment because of his sex, male, in violation of Title VII of the 1964 Civil Rights Act. A Consent Decree settling the litigation [Case No. 02-CV-989(WGB)], which provides for \$205,000 for Mr. Vasquez and comprehensive training of the company's workforce in New Jersey, was entered earlier this week with the U.S. District Court for the District of New Jersey before Judge William G. Bassler.

The initial suit, filed on March 6, 2002, alleged that throughout his employment Mr. Vasquez was the target of unwelcome and derogatory comments as well as behavior that mocked him because he did not conform to societal stereotypes of how a male should appear or behave. The lawsuit alleged that Mr. Vasquez had no reasonable alternative but to resign in light of the unwillingness of the company's managers to prevent the behavior from continuing.

"The Commission hails the willingness of all persons involved in this matter to work thoroughly to craft a resolution to this lawsuit," said EEOC Regional Attorney Jacqueline McNair. "We are confident that the training provided for in the Decree will enable Babies 'R' Us representatives to monitor their workplace environment and address harassing behavior promptly and effectively."

Title VII makes it illegal to deny a person an employment opportunity because of his or her race, color, sex, religion or national origin. This includes the opportunity to work in an environment free from sexual harassment, regardless of gender.

Babies "R" Us denies that any violation of Title VII occurred. The Consent Decree was entered into by the parties without any admission of guilt and for the purpose of resolving the matter. The terms of the Decree include payment to Mr. Vasquez of \$205,000, posting of a notice about the decree, and additional forms of relief.

As part of the settlement, Babies "R" Us also agreed to create and maintain copies of records relating to any complaint of sexual harassment at any of its stores and facilities in the state of New Jersey. In addition, the company will provide annual training sessions to all its employees in the state covering the employer's obligations and the employees' rights under Title VII as well as the New Jersey Law Against Discrimination. The training will emphasize the law concerning harassment and prohibitions concerning retaliation for complaining about illegal employment discrimination or participating in a proceeding concerning such an allegation. Finally, specialized training for all Human Resources Department staff will address how the company intends to meet its obligation to conduct a prompt and effective investigation into any complaints of employment discrimination it may receive from its employees.

Although the EEOC does not statistically track instances of same-sex harassment per se, the Commission notes that sexual harassment charge filings nationwide by males have increased from 10% of all sexual harassment filings in Fiscal Year 1994 to 15% of such filings in FY 2002.

In addition to Title VII, the EEOC enforces Title I of the Americans with Disabilities Act which prohibits discrimination based on disability; the Age Discrimination in Employment Act; the Equal Pay Act, which calls for equal pay for equal work; prohibitions against discrimination affecting individuals with disabilities in the federal

government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on its Web site at www.eeoc.gov.

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