

The U.S. Equal Employment Opportunity Commission

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GERIATRIC CENTER TO PAY \$900,000 FOR RACE BIAS, NATIONAL ORIGIN DISCRIMINATION, RETALIATION

EEOC Says Benenson Rehabilitation Pavilion Harassed Black and Caribbean Workers

NEW YORK – A New York geriatric center will pay \$900,000 to settle a class race and national origin discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today (case, Civ. No. 05-4601, filed in federal court in the Eastern District of New York).

The EEOC charged that Flushing Manor Geriatric Center, Inc., doing business as William O. Benenson Rehabilitation Pavilion, subjected 29 black and Caribbean employees (specifically, Haitian and Jamaican) to harassment and retaliation. The consent decree settling the case was entered late Friday afternoon, April 20.

According to the EEOC's lawsuit, the Pavilion permitted harassing comments based on race and/or national origin by its managers and residents against the workers, who served in the nursing, food service, housekeeping, and recreation departments. The EEOC said the Pavilion also prohibited Haitian employees from speaking in Creole while allowing other non-English languages to be spoken at the facility; subjected black and/or Caribbean employees to stricter disciplinary actions as compared to others; and retaliated against those who brought these issues to management.

Employees at the facility formally complained about discrimination to management in 2002, 2003 and 2004 without any effective remedy, the EEOC said. This case also involved egregious retaliation in that the owner attempted to force the charging parties to withdraw their EEOC charges through harassing telephone calls to one of the claimant's family members. All of this alleged conduct violates Title VII of the 1964 Civil Rights Act.

In addition to monetary payment to the claimants, the settlement requires the facility to hire a qualified human resources professional, implement anti-discrimination policies and procedures, conduct extensive anti-discrimination training, and report internal complaints of discrimination to EEOC over a five-year period.

"The EEOC commends the five charging parties for their courage in bringing this matter to our attention," said EEOC Senior Trial Attorney Sunu P. Chandy. "Cases involving race and national origin are EEOC priorities."

EEOC New York District Director Spencer H. Lewis, Jr. added, "Employers must be warned that retaliation, such as discouraging employees from filing discrimination charges, is itself illegal."

On February 28, EEOC Chair Naomi C. Earp launched the Commission's E-RACE Initiative (Eradicating Racism And Colorism from Employment), a national outreach, education, and enforcement campaign focusing on new and emerging race and color issues in the 21st century workplace. Further information about the E-RACE Initiative is available on the EEOC's web site at <http://www.eeoc.gov/initiatives/e-race/index.html>.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

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