

The U.S. Equal Employment Opportunity Commission



A woman represented by EEOC in the Lutheran Medical Center settlement (standing at podium) addresses the news media and is consoled by Kam S. Wong, lead New York Trial Attorney in the case (seated on left). Looking on is Elizabeth Grossman, Supervisory Trial Attorney (seated on right).

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HOSPITAL IN NEW YORK TO PAY OVER \$5 MILLION TO SETTLE SEXUAL HARASSMENT BY DOCTOR

EEOC Lawsuit Says Harassment of Women Occurred During Employment-Related Exams at Lutheran Medical Center

BROOKLYN, N.Y. -- The U.S. Equal Employment Opportunity Commission (EEOC) today announced its largest sexual harassment settlement ever in the state of New York for \$5.425 million and significant remedial relief on behalf of a class of female workers at Lutheran Medical Center (Lutheran), a hospital based in Brooklyn, New York.

In the lawsuit filed under Title VII of the Civil Rights Act of 1964 (*EEOC v. Lutheran Medical Center*, No. 01-5494, E.D.N.Y.), EEOC alleged that Dr. Conrado Ponio, during his employment at Lutheran, abused his authority by sexually harassing a class of female employees when conducting employment related medical examinations. The sexual harassment included invasive touching and intrusive questions about

the employees' sexual practices. Additionally, the EEOC alleged that Lutheran knew or should have known of the sexual harassment and failed to take adequate measures to prevent such harassment. Eight female employees had filed charges with EEOC that led to the litigation, which was filed after the agency exhausted its conciliation efforts to reach a voluntary pre-litigation settlement.

"Sexual harassment in the workplace is not a thing of the past," said Commission Chair Cari M. Dominguez. "To the contrary, it continues to be a serious problem for working women," she said, noting that EEOC and state and local agencies continue to receive upward of 14,000 sexual harassment charge filings per year.

Chair Dominguez added: "Employers should ensure that all employees are aware of their policies prohibiting discrimination, including sexual harassment. In addition, employers should monitor adherence to those policies to prevent such unlawful conduct from occurring."

Betsy Roter, one of the women represented by the EEOC, said: "Although the actions of Dr. Ponio were abhorrent, I am gratified that the EEOC successfully represented the claimants involved, and re-affirmed that the individual rights of employees are protected and secured. I hope this case will send a message to other hospitals and healthcare institutions that this type of behavior will not be ignored or tolerated. This is a victory for all women who have had to endure the degradation of sexual harassment at the workplace."

Under the Consent Decree, submitted to Federal District Court Judge Leonard B. Sand for approval, Lutheran has agreed to pay a total of \$5.425 million in monetary damages, which will compensate the eight female employees named in the suit and other female employees who were sexually harassed by Dr. Ponio in the course of their medical examinations. The Consent Decree also provides for the revision of policies on anti-harassment, anti-retaliation, and pre-employment physical examinations. Additionally, the Consent Decree requires revised and on-going training on anti-discrimination and anti-harassment.

"The EEOC takes very seriously allegations of sexual harassment, particularly when the accused harasser is in a position of authority, as was the case in this lawsuit," said Katherine Bissell, the EEOC's Regional Attorney in New York. "I commend the management of Lutheran Medical Center for recognizing the serious nature of the allegations and working with the EEOC to resolve this matter without protracted litigation."

Spencer H. Lewis, EEOC's New York District Director, added: "Employers should be aware that they have an inherent responsibility to prevent sexual harassment in their workplace and to take swift action to correct it when it occurs."

In addition to enforcing Title VII, as amended, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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