

The U.S. Equal Employment Opportunity Commission

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EEOC SUES PLAZA HOTEL & FAIRMONT HOTELS & RESORTS FOR POST-9/11 BACKLASH DISCRIMINATION



Lawsuit Says Class of Muslim, Arab and South Asian Employees Harassed Based on 9/11

New York, NY -- The U.S. Equal Employment Opportunity Commission ("EEOC") today sued the Plaza Hotel and Fairmont Hotel and Resorts, Inc. under Title VII of the 1964 Civil Rights Act for discrimination related to the events of September 11, 2001 against a class of Muslim, Arab, and South Asian employees based on their religion and/or national origin.

The EEOC's lawsuit, Civil Action No.03- CV- 7680, filed today in U.S. District Court for the Southern District of New York, alleges that a class of employees was subjected to a hostile work environment and to severe and pervasive harassment that involved high level managers and coworkers. Specifically, the EEOC charges that after September 11, 2001, Muslim, Arab and South Asian employees were subjected to offensive comments about their religion and/or national origin, including being called "terrorist," "Osama," "Al Queda," "Taliban," and "Dumb Muslim" and being cursed at and accused of destroying the World Trade Center and the country.

According to the litigation, Plaza Hotel managers also wrote "Osama," "Binladin [sic]," "Alkada [sic],"

and "Taliban" instead of the employees' actual names when giving them keyholders with their room keys. Additionally, the EEOC alleges that the employers knew or should have known of the harassment and failed to take adequate measures to stop and/or prevent the harassment.

Ten Muslim employees of Arab or South Asian descent had filed charges with the EEOC that led to the litigation, which was filed after the Commission exhausted its conciliation efforts to reach a voluntary pre-litigation settlement. The suit seeks monetary relief, an order requiring Defendants to implement policies and procedures against discrimination, and a permanent injunction against discrimination.

One of the ten Charging Parties, Mohammad Mamun, said: "We don't believe that anyone should be forced to endure the humiliation that we had to endure while trying to make a living to support our families. We hope that by filing this action that other people in our situation realize that this type of discrimination is illegal and that they don't have to just sit around and take it."

Katherine Bissell, the EEOC's Regional Attorney in New York, said, "The EEOC takes very seriously allegations of harassment based on religion an/or national origin, especially where managers in positions of authority are involved in the harassment. No employee should have to be subjected to offensive comments about his/her religion or national origin in the workplace. The EEOC will continue to vigorously pursue such cases."

Spencer H. Lewis, EEOC's New York District Director, added: "Employers should be aware that they have a duty to prohibit harassment based on religion and/or national origin. A hostile work environment cannot be sanctioned."

Since September 11, 2001, the EEOC has received more than 800 charge filings nationwide alleging backlash discrimination by individuals who are or who are perceived to be Muslim, Arabic, Middle Eastern, South Asian or Sikh. The two most common issues alleged are harassment and discharge. Nearly 100 individuals aggrieved by 9/11-related employment discrimination have received over \$1,450,000 in monetary benefits through the EEOC's enforcement, mediation, conciliation, and litigation efforts. The Commission has also been at the forefront of the federal government in conducting vigorous outreach and education to both the employer and labor communities at the national and grassroots levels to prevent such discrimination and promote voluntary compliance with the law.

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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