

*The U.S. Equal Employment Opportunity Commission*

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FOR IMMEDIATE RELEASE  
February 25, 2004

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## Federal Express to Pay over \$3.2 Million to Female Truck Driver for Sex Discrimination, Retaliation

EEOC and Plaintiff's counsel score trial Victory 'for every woman' at Fedex

PHILADELPHIA - A federal jury late yesterday returned a multi-million dollar verdict in favor of the U.S. Equal Employment Opportunity Commission (EEOC) and Marion Shaub of Wrightstown, Pa., in their lawsuit against Memphis, Tenn.-based shipping giant Federal Express Corporation for violations of Title VII of the 1964 Civil Rights Act and the intentional infliction of emotional distress to Ms. Shaub.

The jury found Federal Express liable for a sex-based hostile work environment and retaliation and awarded Ms. Shaub \$391,400 in back pay and front pay, \$350,000 in compensatory damages for emotional pain and distress, and \$2.5 million dollars in punitive damages.

"I always believed the truth would prevail and it has," said Shaub after the verdict was announced. "This is a victory for every woman who works at Federal Express and those who will work there in the future."

The lawsuit (Case 02-cv-1194, Middle District Pennsylvania) filed in February 2002, alleged that the company violated Title VII when it subjected Shaub, at the time the only female tractor-trailer driver at the company's Middletown facility, to a hostile work environment based on her sex and retaliated against her when she complained about the treatment.

According to the lawsuit, prior to her termination in October 2000, Shaub was constantly subjected to anti-female remarks and threats from male co-workers. EEOC and Shaub further alleged that, after she made numerous complaints about the gender-based hostility in her work environment, her truck brakes were sabotaged and she was refused help with the loading of her truck in retaliation for her complaints.

"This verdict sends employers a loud and clear message that sex discrimination and retaliation are simply unacceptable," said EEOC Philadelphia Regional Attorney Jacqueline McNair. "The EEOC, as well as the U.S. Supreme Court, have consistently pointed out to employers the benefits of adopting and enforcing an effective policy opposing harassment in the workplace. It is the employer's responsibility to demonstrate that such conduct is inappropriate and will not be tolerated."

Private counsel Martha Spurling who, along with attorney Ralph Lamar, joined with EEOC to represent Ms. Shaub's interests in this matter, said: "Ms. Shaub is pleased with this verdict and hopes that she is the last Federal Express worker male or female who has to go through this kind of horrific, perilous ordeal."

Title VII of the 1964 Civil Rights Act requires that employers provide each employee a working environment free of harassment based on their race, color, sex, religion or national origin. It also prohibits an employer from taking adverse action against an individual for exercising his or her right to complain about behavior reasonably believed to violate Title VII.

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits sex-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](http://www.eeoc.gov).

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