

TEXAS AIR CONDITIONING COMPANY SETTLES HARASSMENT SUIT A DAY BEFORE TRIAL



A company based in Texas has recently settled a sexual harassment and constructive discharge suit. The lawsuit had been filed by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of a former female employee. The settlement was reached just one day before the case was to be presented to a jury. The woman named in the suit was the only female employee working at Hobson Air Conditioning's Kennedale facility in Weatherford, TX. According to the EEOC, after being hired as an installation coordinator, the female was subjected to a sexually hostile work environment. Her former manager made vulgar comments and suggestions, including asking that she expose her breasts and making obscene sexual demands. The manager also touched her and exposed himself to her on more than one occasion. The alleged harassment was reported to higher ups, but no actions were taken to stop the manager's conduct or initiate any type of reprimand. Due to the company's lack of response and the persistence of unsolicited behavior against her, the woman saw that she had no option other than quitting her job. EEOC filed the suit in the U.S. District Court for the Northern District of Texas, Dallas Division, charging a violation of Title VII of the Civil Rights Act with the harassment and constructive discharge (sometimes called constructive dismissal, an act treated as unlawful termination when an employee, due to the employer's behavior, feels that there is no choice but to leave his/her job). The



EEOC first tried to reach an agreement before litigation. The company will be paying the woman 37,500 dollars, as well as providing injunctive relief to avoid similar unlawful conduct in the future. A five-year consent decree comes with the following stipulations: the company will revise its sexual harassment policy and procedures to allow for various options to report harassment; annual training on laws regarding sexual harassment and the proper procedure for investigating related complaints; any such complaints will be reported to the EEOC; an anti-discrimination notice will be posted; and a notice of the harassment complaint will be placed in the personnel file of the accused manager. EEOC Senior Trial Attorney Devika Seth, lead attorney in the case, said, "To have a manager subject a subordinate employee to such mistreatment has the potential to establish the acceptance of such behavior in the workplace. We hope this settlement shows that there will be accountability when such an abuse of power occurs. We are proud that [the former employee] came forward and asserted her right to work in a harassment-free environment." "As the only female employee in her office, [the woman] was targeted for this crude and disturbing behavior on the work premises," noted EEOC Supervisory Trial Attorney Toby Wosk Costas. "Women in traditionally male-dominated fields can sometimes face an uphill battle when it comes to reporting and remedying unwelcome sexual conduct on the job, and the EEOC is here to help."