

OIL COMPANY IN TEXAS SETTLES FOR \$43,000 ON SECOND DAY OF TRIAL



A Texas-based oil company avoided settling a national original harassment lawsuit pre-litigation but finally agreed to a settlement on the second day of trial, before the case could be submitted to the jury. The company, Blue Ridge Resources, LLC, in Midland, TX, will be paying three former oil field service crew members \$43,000 in damages and providing injunctive relief. According to the lawsuit, which was filed by the EEOC (Equal Employment Opportunity Commission), Blue Ridge Resources subjected the three former workers to a hostile work environment because of their Mexican national origin. A rig supervisor allegedly referred to the men, on multiple occasions, as “wetbacks,” despite one man having been born in the U.S. and the other two being permanent residents authorized to work in the U.S. for decades. The EEOC suit alleged that the supervisor, who is also of Mexican origin, used racial slurs on a daily basis, including calling the men “dirty Mexicans.” Furthermore, the supervisor admitted to the nickname, “Wetback Killer”, and was charged with denying the men water while they were working in the Texas heat – telling them that “wetbacks don’t need no water.” One of the former crew members testified that the supervisor had threatened to fire him if he complained to higher-ups. The EEOC, while acknowledging that management was not involved in the harassment, still held the company accountable for the supervisor’s lack of training and for not speaking with the workers about the reported harassment when it became known. Harassment based on a person’s national origin is a violation of Title VII of the Civil Rights Act, regardless of whether or not the harasser is of the same national origin as the victim. The lawsuit was filed in the U.S. District Court for the Western District of Texas,



Midland/Odessa Division, and the trial began on April 30 of this year.

Devika Seth, said in a press release that it “was an outrageous case of hard-working and vulnerable field workers who were abused by a boss who shared the same heritage as his victims.” Seth further stressed that the EEOC hoped that the agreement would send a message to companies, particularly those in the oil industry – “that a dismissive approach to what goes on out in the field will not be tolerated.” The consent decree, in addition to monetary relief, requires that Blue Ridge Resources revise its discrimination policy to include national origin harassment, as well as measures to ensure that worker complaints are recognized and provided with ways for reporting violations. The company will also hold annual training for five years on laws regarding national origin harassment in the workplace and the proper procedure for investigation of complaints; and post an anti-discrimination policy notice, in both English and Spanish, at its office and shop. “Condescending or hostile attitudes and prejudices against persons of Mexican or Latin-American ancestry unfortunately remain all too common,” said Robert A. Canino, regional attorney of the EEOC’s Dallas District Office. “As we saw in this case, some Hispanic supervisors may even try to distance themselves from their Hispanic subordinates and mistreat them so as to separate themselves in the eyes of non-Latino business owners and operators.”

Lead attorney on the case, EEOC Senior Trial Attorney