

CEMENT AND CONCRETE COMPANY SETTLES RACE-RELATED CHARGES WITH \$400,000



A major cement and concrete products company has agreed to pay 400,000 dollars to settle a racial harassment lawsuit. The suit was filed by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of seven African American male employees. Ready Mix USA is a supplier of cement and concrete products to construction projects for industrial, commercial, residential and municipal purposes. The workers named in the lawsuit were employed at Ready Mix' facilities in the Montgomery, AL area, where the company operated as Couch Ready Mix USA. The EEOC charged that the employees were faced with a race-fueled hostile work environment. Allegedly, a noose was in clear view at a worksite, a direct supervisor and manager used derogatory racial language (including allusions to the Ku Klux Klan), and racial slurs had been voiced. The company, which agreed to pay other relief in addition to the monetary compensation, denied that any racial harassment took place at its worksites. An attempt to reach a pre-litigation agreement had failed. The EEOC's lawsuit claimed racial discrimination and harassment, violations of Title VII of the Civil Rights Act of 1964. Title VII specifically states that it is unlawful for any employer "to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."



In the Fiscal Year 2011, the Commission had received 35,395 charges claiming discrimination based on race, with 8,776 of the charges including harassment. Charges citing race with regard to discrimination and/or harassment account for an excess of 35 percent of charges filed across the nation. "Employees have a right to expect that harassment based on race will be kept out of the workplace," said Delner Franklin-Thomas, district director for the EEOC Birmingham District, in an EEOC press release. "This case involved not only racist language, but a noose, a threatening symbol of cruelty that has no place in any American workplace." A two-year consent decree agreed upon by both parties includes the 400,000 dollars to be dispersed among the seven employees. The decree further enjoins (requires by law) Ready Mix from participating in additional racial harassment or any retaliation. The company will also be required to provide EEO training, modify its policies to avert any potential violations of Title VII, and implement an investigatory process to handle complaints related to racial harassment. Certain complaints of harassment or retaliation will be reported to the EEOC for monitoring. "We are pleased that Ready Mix has taken these steps to address this very alarming situation and improve its work environment," EEOC Birmingham District Regional Attorney C. Emanuel Smith said. "We encourage all employers to help make workplace race discrimination a thing of the past."