

CONTRACTING COMPANY TO PAY \$40,000 AS PART OF DISCRIMINATION SETTLEMENT



A contracting company based in Fairfax County, VA, has settled a lawsuit citing national origin, religion and color discrimination. It was filed by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of a former estimator and assistant project manager. As part of the settlement, the company will be paying 40,000 dollars and providing additional relief. The man named in the suit, an Islam of Pakistani descent, worked for Rugo Stone, LLC for approximately two years. According to the EEOC, he was harassed by his supervisors, project manager and the owner of the company, who each made derogatory remarks on a nearly daily basis concerning his national origin, religion and color. The higher ups reportedly called the man a “Paki-princess,” equated his skin color with human feces, asked why Muslims are “monkeys,” and used the words “backwards” and “crazy” when referring to his religion. The man complained about the inappropriate conduct but continued to be subjected to the harassment. After an unproductive attempt at settling the issue prior to litigation, the EEOC filed suit in the U.S. District Court for the Eastern District of Virginia, Alexandria Division, alleging a violation of the Civil Rights Act. Rugo Stone agreed to a three-year consent decree, including monetary relief for the former employee. The consent decree also stipulates that the company redistribute its anti-harassment policy to all of its current employees, post the anti-harassment policies in each of its facilities and worksites, provide anti-harassment training for managers, supervisors and employees, and post a notice concerning the settlement. Rugo Stone is likewise enjoined (prevented by law) from further actions that would discriminate against any person based on national origin, religion or color, and will be monitored by the EEOC while the decree is in effect. Rugo Stone has worked on numerous “high-profile buildings” in the Washington, DC area, such as the U.S. Department of Transportation, the International Monetary Fund, the American Red Cross, the Newseum, and the embassies of Nigeria and the United Arab



Emirates. In an EEOC press release, Lynette A. Barnes, regional attorney for the EEOC’s Charlotte District Office, whose jurisdiction includes Virginia, stated that “employers must remember that federal law prohibits harassment based on national origin, religion and color. This case and its resolution should serve as a reminder that the EEOC will protect workers from employment discrimination, including harassment.” The EEOC, while acknowledging a clear association between color and race, stresses a distinction between the two forms of discrimination. Discrimination based on an individual’s color, as a for instance, may apply to persons of different races. Title VII of the Civil Rights Act does not offer a specific definition of color, but courts generally identify it as “pigmentation, complexion or skin shade or tone.” As such, a person may be treated unfavorably due to a darker skin tone, which, if no explicit reference to race was derogatorily made, would unquestionably be a case of color discrimination. Regardless of the circumstance, Title VII prohibits discrimination based on either color or race.