

## WHIRLPOOL DROPS APPEAL, SETTLES \$1 MILLION DOLLAR HARASSMENT SUIT



Whirlpool Corporation, retailer of kitchen, laundry and home appliances, recently agreed to drop its appeal of a district court's judgment regarding a racial and sexual harassment suit. The U.S. District Court for the Middle District of Tennessee had awarded over one million dollars in favor of the plaintiff, whose lawsuit had been filed on her behalf by the U.S. Equal Employment Opportunity Commission (EEOC). The agency's Memphis District Office initially brought action against the company six years ago in June 2006. The lawsuit had alleged that the company had violated Title VII of the Civil Rights Act when nothing was done concerning a white male co-worker and his harassment of an African-American female employee at a Whirlpool facility in LaVergne, TN. The man was allegedly harassing the woman because of her race and sex, inappropriate behavior that lasted for two months. The harassment was accelerated when the man physically assaulted his female co-worker, resulting in serious permanent injuries. A four-day bench trial ensued, where the district court heard evidence that the female employee repeatedly reported to Whirlpool management offensive language and gestures from the male co-worker prior to the assault, but the company made no effort to rectify the situation. Additional testimony tried to establish that the man's assault caused the woman permanent mental injuries, injuries which will prevent her from working again. In December 2009, the district judge made a ruling in favor of the plaintiff, awarding her a total of 1,073,261 dollars in back pay, front pay and compensatory damages. Whirlpool's motion to alter or amend the final judgment was filed the following month and was denied by the district court three months later. The company then appealed the decision to the U.S. Court of Appeals for the Sixth Circuit. Whirlpool finally withdrew the appeal this month, well over a year later, and agreed to settle the case with the EEOC and the



female employee for the awarded damages and court costs. The LaVergne plant had closed during the period of litigation. "Employers have a responsibility to address and remedy race and sex harassment in the workplace," said P. David Lopez, EEOC General Counsel. He added that "the EEOC stands ready to vigorously prosecute violations of the law through trial if necessary," and that the Commission was "pleased that the parties were finally able to bring [the] litigation to a close." EEOC Attorneys Corbett L. Anderson and Lorraine C. Davis represented the agency during the appeal process. The plaintiff was represented by attorneys Helen Rogers of Nashville, TN, and Andy Allman of Hendersonville, TN, who intervened in the case for the trial and subsequent appeal. Whirlpool Corporation has its world headquarters located in Benton Harbor, MI. According to its website, the company "is the world's leading manufacturer and marketer of major home appliances" and boasts "annual sales of approximately nineteen billion dollars in 2011, 68,000 employees and 66 manufacturing and technology research centers" expanding the globe.