

## EEOC FINDS WET SEAL GUILTY OF DISCRIMINATING AGAINST BLACK MANAGER: FACES CLASS ACTION SUIT



Wet Seal the fashion retailer continues to be beset with problems.

The U.S. Equal Employment Opportunity Commission has said that investigations have confirmed that the clothier discriminated against a former African American store manager. It said that Nicole Cogdell, a former employee who worked at one of the company's stores in Pennsylvania, quit work, as the working environment became increasingly intimidating and conditions so unendurable that she was left with no other choice. The commission found further evidence that Wet Seal corporate managers were not guarded in their views that to ensure that the company had good bottom lines, it was imperative that they retained workers with "the Armani look." The "Armani look" purportedly referring to the attractive features of its models, who were typically blond, thin and blue-eyed, and marketed by the youthful fashion label created by Italian designer Giorgio Armani. The EEOC said it would look for "a just resolution of this matter" through negotiations. *So much so that one top-ranking executive even sent an email to his subordinates that the high proportion of African American workers at the company was a "huge issue." This proven bias against an entire group of its African American workers could ensure that the firm faces more discrimination lawsuits, including more class-action lawsuits that could entail embarrassing censure and huge financial penalties. The lawsuit accuses Wet Seal of refusing promotions and pay to its black employees to harass them and perhaps provoke them into leaving. Moreover, it says that they showed a distinct preference for employing white workers who suited the company's image more. Cogdell, who is one of the plaintiffs, claims that she was fired after a senior vice president for store operations during a visit to the company expressed her opinion that the manager should have "blond hair and blue eyes."* ReNika Moore, one of the lawyers representing Cogdell, said that the commission's findings would be valuable evidence in court and can be used as evidence in the lawsuit and that they would be using it. The suit was filed on behalf of more than 250 management-level employees at Wet Seal. The company could well have done without this new problem, given that it has had a very turbulent year when sales declined considerably and their chief executive had to go as also boardroom tangles necessitated replacing the chairman and three board directors. Wet Seal maintain that Ms. Cogdell resigned of her own free will and hence the need to take any unfavorable employment action against her did not arise. However, the commission said that the abrupt and hasty termination of many African-Americans at several stores in Pennsylvania had created an unreceptive, antagonistic atmosphere where continuing to work was not feasible and which forced Ms. Cogdell to quit. This in the view of the agency was equivalent to being fired. Ironically, the commission revealed, prior to being forced out, she was regarded as a valuable employee receiving high ratings in running the King of Prussia store, which was one of Wet Seal's better run stores, ranking eighth amongst it upwards of five hundreds stores in the country. Both her regional and district managers said that she possessed "great energy" and had the ability to manage other managers and other under her care to fulfill their responsibilities with diligence and punctually. Realizing the seriousness of the matter, the company released a statement said that it was committed to a diverse workplace that provided equal opportunity without prejudice or bias and that the new leadership was committed to ensuring that its workplace was free from unlawful discrimination, harassment and retaliation. Moreover, it said that it had begun to voluntarily collaborate with the EEOC on a program designed to promote diversity. Ms. Cogdell was adamant to see that justice was done and said that it was intolerable that such a big company would so openly discriminate African-American employees. "But I wasn't the only victim of Wet Seal's discrimination, and I will not stop fighting for justice for all the victims," she said.