

April 25, 2019

A & F Fire Protection to Pay \$407,500 to Settle EEOC Race Discrimination and Retaliation Suit

U.S. Equal Employment Opportunity Commission (EEOC)



Employer Allowed Racially Hostile Work Environment and Punished employees for Complaining, Federal Agency Charged

NEW YORK - A & F Fire Protection Co., Inc., a fire sprinkler and fire standpipe contractor located in West Babylon, N.Y., has agreed to pay \$407,500 and take substantial non-monetary corrective action to settle a race discrimination, hostile work environment, and retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

In its lawsuit, the EEOC charged that A & F discriminated against a class of black and Hispanic employees, including subjecting them to the frequent use of slurs such as "n---r" and "s--c" in the workplace. The EEOC also asserted that employees were retaliated against for complaining about or opposing unlawful discrimination. For example, after a supervisor refused to take retaliatory action against employees who had complained about discrimination, his job responsibilities were changed and his supervisory authority was reduced. Another employee who filed a charge of discrimination with the EEOC was later fired under pretextual circumstances.

Title VII of the Civil Rights Act of 1964 protects employees from race and national origin discrimination, including the creation of a hostile work environment, and from retaliation for speaking out about such conduct in the workplace. The EEOC filed suit in U.S. District Court for the Eastern District of New York (EEOC v. A & F Fire Protection Co., Inc., Civil Action No. 17-cv-04745) after first attempting to reach a pre-litigation settlement through its conciliation process. This case was litigated by EEOC trial attorneys Rosemary DiSavino, Kirsten Peters and Liane Rice.

On April 23, 2019, U.S. District Court Judge Denis R. Hurley entered a consent decree resolving the case. In addition to a \$407,500 award for lost wages and other damages awarded to a class of

black and Hispanic employees, the decree provides for robust injunctive relief, including annual training for employees and supervisors on federal laws prohibiting employment discrimination, with a focus on laws prohibiting race and national origin discrimination and retaliation; the appointment of an EEO (equal employment opportunity) coordinator; the obligation to provide semi-annual reports to the EEOC; a revised anti-discrimination policy and procedure; and the distribution to all employees of the revised policy, notice of the lawsuit, and a letter from A & F's president affirming the company's commitment to maintaining a workplace free of discrimination, hostile work environment and retaliation. The EEOC will monitor A & F's compliance with the three-year decree.

"Even blatant displays of racism and retaliation have not been eradicated from today's workplace," said EEOC New York District Regional Attorney Jeffrey Burstein. "Faced with a hostile work environment infected by racial slurs, the victims in this case bravely spoke out against discrimination and filed charges with the EEOC. They successfully used the protections of federal law to help not only themselves, but also coworkers who were similarly harmed."

Kevin Berry, the EEOC's New York District director, added, "It is never easy for an employee to oppose discrimination at his or her current workplace, but federal protections are available, with serious consequences for employers who do not respect employees' rights."