

## **EEOC Obtains \$2.75 Million from WRS Compass for Victims of Race Harassment at Clean-Up Site**

Article By:

U.S. Equal Employment Opportunity Commission

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### **Federal Agency Said Company Subjected Black Workers to Nooses and Other Abuse; White Workers Who Associated With Blacks Were Also Harassed**

A Tampa-based environmental clean-up company has agreed to pay \$2.75 million and enter into a three-year nationwide consent decree to resolve a race discrimination case brought the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The EEOC's suit charged that WRS Environment and Infrastructure, Inc. (d/b/a WRS Compass) subjected seven black workers at its Lake Calumet, Ill., site to a racially hostile work environment, discriminatory terms and conditions of employment, and unlawfully retaliated against employees who complained about discrimination. The alleged harassment against African-American employees included multiple hangman's nooses, repeated use of the "N-word," less favorable equipment assignments and physical threats from coworkers. When two of the black workers complained about this campaign of harassment, they were laid off, the EEOC said.

The EEOC also charged that WRS created a hostile work environment for four white workers who associated with African-American employees. A foreman at the Lake Calumet site allegedly called one of these white employees "n---r lover" and another white employee a "coon lover." In addition to using racially offensive language, this foreman and other white coworkers physically threatened the four white plaintiffs in this case.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit (No. 09-cv-4272 [N.D. Ill.]) in U.S. District Court for the Northern District of Illinois after first attempting to reach a pre-litigation settlement through its conciliation process.

WRS had moved unsuccessfully to dismiss the entire case. The court rejected the majority of WRS's motion and preserved most of the EEOC's claims, writing, "It is undisputed that WRS did not provide any harassment training to employees (whether union or management) at the Lake Calumet site and did not give its employees a phone number to contact the company's health and safety officer or human resources department." The court also noted that "WRS did not post its non-discrimination / harassment policy at the Lake Calumet site until the day after the noose appeared on [a] truck." While the EEOC's claims of racial association harassment were dismissed on summary

judgment, the three-year consent decree prohibits racial association harassment and requires training and reporting on harassment because of racial association.

Besides the \$2.75 in monetary relief for the 11 victims, the three-year nationwide consent decree resolving this case, signed by Judge Virginia M. Kendall, includes injunctions against race discrimination and harassment (including associational race discrimination) and retaliation. WRS is also required to revise its anti-discrimination policy and conduct training on the policy. Furthermore, WRS must develop a policy on how to investigate complaints of discrimination or harassment and evaluate its supervisors on their compliance with the company's revised anti-discrimination policy. The decree requires WRS to report all complaints of discrimination to the EEOC on a semi-annual basis and provides a mechanism for the parties to seek assistance from the court in the event of any disputes about whether WRS violated the injunctions against discrimination and retaliation.

"This settlement reinforces the agency's commitment to root out racial hostility where it persists in the modern workplace," said EEOC General Counsel P. David Lopez. "The EEOC has successfully prosecuted several [racial harassment cases](#) and will continue to do so until this toxic workplace behavior is eradicated."

John Hendrickson, the EEOC's regional attorney in Chicago said that this case was set for trial in a matter of days when the parties reached agreement on the consent decree. The EEOC was prepared to present extensive testimony about hangman's nooses, racist language, and other threatening conduct.

"The EEOC takes racial threats and intimidation in the workplace very seriously and will take actions against employers who permit employees to be harassed because of race or because of racial association," Hendrickson said.

In addition to Hendrickson, EEOC was represented by Supervisory Trial Attorney Gregory Gochanour and Trial Attorneys Richard Mrizek, Brandi Davis, and Grayson S. Walker, all from the Chicago District Office. The intervening plaintiffs were represented by Robinson Curley & Clayton, P.C. in Chicago.

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