

# Foley Products Company Settles Race Discrimination Lawsuit

Article By:

U.S. Equal Employment Opportunity Commission

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## ***Company Failed to Promote and Then Fired Black Employee Because of Race, Federal Agency Charged***

BIRMINGHAM, Ala. - **Foley Products Company**, a Columbus, Ga.-based concrete products company, will furnish significant injunctive relief to settle a race discrimination lawsuit filed by the **U.S. Equal Employment Opportunity Commission (EEOC)**, the agency announced today.

The EEOC had charged that Foley failed to promote Fred Pharham, who is African-American, and then subsequently fired him, both because of his race. Pharham was the only black single leadman (direct supervisor of a crew within a department) working at Foley's Clanton, Ala., facility. Foley denied the allegations in court.

Title VII of the Civil Rights Act of 1964 prohibits race discrimination. The EEOC filed the lawsuit against Foley Products (No. 2:10-CV-8270) in U.S. District Court for the Middle District of Alabama after first attempting to reach a pre-litigation settlement through its conciliation process.

The court issued a two-year consent decree finally resolving the suit on Aug. 17. Pursuant to the decree, Foley agreed to implement new policies and practices designed to prevent further harassment; employee training on anti-discrimination laws; posting of notices at the work site; and other injunctive relief. Foley is enjoined from engaging in any further employment practice which has the purpose or effect of discriminating against anyone on the basis of race and from retaliating against employees for opposing discriminatory practices. Foley also agreed to provide reports to the EEOC on complaints of alleged race discrimination.

Previously in this lawsuit on July 11, 2012, the court issued an order denying Foley's motion for summary judgment on the merits of the EEOC's two racial discrimination claims -- failure to promote and discriminatory discharge -- and permitting the case to proceed to trial before the court. The EEOC sought monetary relief for Pharham as part of its lawsuit. The claims for monetary relief were resolved by Foley and Pharham with the advice of separate counsel. In the court's order, the court recognized this resolution of part of the case and therefore denied the case from proceeding through a jury trial.

"We commend Foley Products for acting in a positive, proactive manner to prohibit race discrimination by entering into this settlement," said Delner Franklin-Thomas, district director for the EEOC's Birmingham District Office. "Under the decree, the revisions of Foley's policies, procedures, and protocols on race will have a positive effect on the entire work force and advance racial equality there."

Steven L. Murray and Gerald L. Miller, senior trial attorneys in the EEOC's Birmingham District Office, served as lead counsels throughout the EEOC's prosecution and litigation of this action.

"Race too often continues to be a key factor in denying employees access to rights and advancement," said Murray. "The EEOC is committed to eradicating race discrimination from the American workplace."

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