Swissport Fueling to Pay $250,000 to Settle EEOC Race and National Origin Harassment Lawsuit

Article By:

U.S. Equal Employment Opportunity Commission

African Fuelers at Phoenix Sky Harbor Airport Were Repeatedly Called 'Monkeys' By a Phoenix Swissport Manager, Federal Agency Charged

PHOENIX - **Swissport Fueling, Inc.**, which fuels aircraft at Phoenix Sky Harbor Airport, **will pay $250,000 and furnish other relief to settle a lawsuit for race and national origin harassment** filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC's lawsuit was brought to obtain relief for fuelers who were from various African nations, including Sudan, Nigeria, Ghana and Sierra Leone. The lawsuit alleges that a Swissport manager routinely called the African fuelers "monkeys." According to the allegations, a Swissport manager called the fuelers "monkeys" in a number of degrading ways:

- A Swissport manager called the fuelers "monkeys" in anger, such as "What are you doing here, monkeys?"

- A manager called at least one fueler "monkey" as a replacement for his name.

- A manager ridiculed the culture of the fuelers by making derogatory statements about the fuelers' lunches, describing the fuelers' food as "monkey soup."

- A manager made demeaning references to slavery to the fuelers. For example, a manager told them, for example, "You guys are lucky I pay you because way back then, you did not get paid"; "You are lucky to be paid. A long time ago blacks were doing this for free"; "At one time, you people would not be paid"; and "Blacks work for free."

According to the allegations, the African fuelers reported the harassment verbally and in writing, including by signing a written petition and delivering it to the office of Swissport's general manager at the Phoenix facility to try to stop the harassment. The EEOC says that despite the fuelers' complaints, the abuse continued.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit, *EEOC v. Swissport Fueling, Inc.* (2:10-CV-02101-GMS), in U.S. District Court for the District of Arizona after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to the paying $250,000 to the African fuelers who allege they were subjected to the hostile work environment, Swissport also must provide training on harassment based upon race, national origin, and color to managers, supervisors, and human resource employees. Swissport is also required to implement policies prohibiting harassment based upon race, national origin, and color, and post a notice that harassment of Swissport's employees is unlawful and will not be tolerated.

"It is against federal civil rights laws for an employer to single out any group, including the immigrant community, by subjecting it to a hostile work environment based upon its national origin, race, and color," said Regional Attorney Mary Jo O'Neill of the EEOC's Phoenix District Office. "Employers have a responsibility to take prompt, corrective action when they learn of such abuse. The action taken must remedy the harassment that already has occurred, stop the misconduct and prevent future abuse."

EEOC's Phoenix District Director Rayford Irvin said, "The EEOC will not tolerate harassment based upon race, national origin, and color. The word "monkey," which historically has been used as a highly demeaning racial slur, is especially unacceptable."

According to its website, Swissport provides fueling services at Phoenix Sky Harbor Airport, where it employs 160 people and has handled over 407 million gallons of fuel. Swissport's customers include Southwest Airlines, US Airways, AeroMexico, Delta Air Lines, American Airlines, Continental Airlines, United Airlines, FedEx and DHL.

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