
The U.S. Equal Employment Opportunity Commission

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TEXAS CAR DEALERSHIP TO PAY \$140,000 TO SETTLE SAME-SEX HARASSMENT SUIT BY EEOC

Male Employees Subjected to Groping and Lewd Sex-Based Remarks by Male Managers

DALLAS - The U.S. Equal Employment Opportunity Commission (EEOC) today announced that Ron Clark Ford, Inc. has agreed to pay six former male employees \$140,000 to settle a same-sex harassment lawsuit under Title VII of the Civil Rights Act of 1964. In addition to the monetary relief for former employees William Blount, Joe Charles, John Crawford, Dusty Harrison, Ulises Herrera and Richard Epps, the Consent Decree settling the case, signed by Federal District Court Judge Sam Cummings, requires Ron Clark Ford to provide training to prevent sexual harassment and post an anti-discrimination notice at the Amarillo, Texas-based dealership.

The EEOC's lawsuit (Civil Action No. 2-01CV-0245-C) was based on charges of discrimination filed by three of the men with the the federal Agency's Dallas District Office. The men said they and others were subjected to a sexually hostile work environment and different treatment because of their gender by male managers - which resulted in their constructive discharge. Blount, Charles and Crawford were also represented by private attorney Mark Wilson of Smith, Wilson & Duncan, P.C. in Amarillo.

Evidence gathered during the Commission's investigation showed that the men were subjected to lewd, inappropriate comments of a sexual nature and had their genitals and buttocks grabbed against their will by males managers. The dealership argued that the sexual conduct was "harmless horseplay" - a position that was contradicted by the evidence uncovered in the EEOC's investigation. The Commission filed suit after finding that discrimination took place and exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

"An employer should never assume that it can hide behind a gender-based double standard 'horseplay' defense," said Robert A. Canino, Regional Attorney of the Dallas District Office of the EEOC. "To do so is to trivialize what can be offensive and degrading conduct toward employees who don't find it amusing. The law doesn't provide a safe harbor when men sexually grope other men instead of groping women. Moreover, there is no free pass for employers who fail to prevent or correct such offenses on the stereotypical premise that 'boys will be boys'."

Pursuant to the terms of the Consent Decree, Ron Clark Ford, Inc. has agreed to establish a "Zero Tolerance" sexual harassment policy that requires supervisors to prevent and correct sexual harassment. Specifically, the policy requires that supervisors take seriously all complaints of sexual harassment made by male or female employees at the dealership.

"During the litigation, EEOC learned that Ron Clark Ford management either laughed at or ignored what was going on at the dealership, " said Bill Backhaus, Senior Trial Attorney of the Agency's Dallas office. "EEOC expects that the new Zero Tolerance policy and anti-harassment training should improve management's ability to properly respond to complaints of sexual harassment in the workplace."

Sexual harassment charges filed by men nationally with the EEOC have shown a steady rate of increase over the years from 10% of all sexual harassment filings in Fiscal Year 1994 to nearly 14% of all such filings in FY 2001. In 1998, the U.S. Supreme Court affirmed the EEOC's longstanding position that same-sex harassment of men is a violation of Title VII.

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's Web site at www.eeoc.gov.

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