

The U.S. Equal Employment Opportunity Commission

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TYSON FOODS SUED FOR RACE BIAS AND RETALIATION AGAINST BLACKS; 'WHITES ONLY' RESTROOM AT ISSUE

Rare EEOC Case for Segregated Job Facilities In Deep South

BIRMINGHAM, Ala. – After complaining to Tyson Foods, Inc. about the posting of a "Whites Only" sign on one of Tyson's restrooms at its Ashland, Alabama, facility, two black employees were subjected to adverse personnel actions by Tyson management, the U.S. Equal Employment Opportunity Commission (EEOC) alleges in a discrimination lawsuit announced today.

The EEOC's suit, *EEOC v. Tyson Foods, Inc.*, CV-05-BE-1704-E (U.S. District Court for the Northern District of Alabama), alleges that Tyson's violated Title VII of the Civil Rights Act of 1964 by discriminating against Henry Adams, Leon Walker, and other black employees, by establishing and maintaining a locked bathroom facility, which on occasion had signs posted on it stating "Out of Order" and "Whites Only". Keys to the facility were distributed to white employees only. After Mr. Adams and Mr. Walker complained of the segregated facility, management subjected them to adverse employment actions, including suspensions and disciplinary write-ups.

"This year the Commission is celebrating its fortieth anniversary," said Bernice Williams-Kimbrough, District Director of the EEOC's Birmingham District Office. "While this country has made great strides in addressing issues of racism, unfortunately there are still people who have not yet gotten the message that segregation in the workplace will not be tolerated. The EEOC exists to make certain that the promise of equal opportunity in employment extends not only to access to jobs but to equal treatment on those jobs."

The EEOC filed suit only after attempting to reach a voluntary pre-litigation settlement through its conciliation process. The suit seeks injunctive relief, and compensatory and punitive damages on behalf of Henry Adams, Leon Walker, and the class of black employees.

"A company's commitment to equal opportunity is measured by more than the existence of written policies and diversity training," said Charles E. Guerrier, Regional Attorney for the EEOC's Birmingham District Office. "True commitment is measured by the environment in which employees work and their understanding of what equal opportunity means on a day-to-day, one-on-one basis. When an employee feels free to lock a bathroom facility and to post a 'Whites Only' sign on it, even for one day, that employer has not been effective in delivering the message of equal opportunity to its employees."

According to its web site www.tysonfoodsinc.com: "Tyson Foods, Inc., founded in 1935 with headquarters in Springdale, Arkansas, is the world's largest processor and marketer of chicken, beef and pork and the second-largest food company in the Fortune 500. The company produces a wide variety of protein-based and prepared food products, which are marketed under the Powered by Tyson (TM) strategy. Tyson is the recognized market leader in the retail and food service markets it serves, providing products and service to customers throughout the United States and more than 80 countries. Tyson has approximately 114,000 Team Members employed at more than 300 facilities and offices in the United States and around the world."

The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age or older; sections of the Civil Rights Act of 1991; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments; and the Rehabilitation Act's prohibitions against disability discrimination in the federal government. Further information about the Commission is available on its web site at www.eeoc.gov.

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