

The U.S. Equal Employment Opportunity Commission

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TYSON FOODS AGREES TO RESOLVE RACE HARASSMENT AND RETALIATION LAWSUIT

Settlement by EEOC and Private Plaintiffs Mandates Systemic Changes

BIRMINGHAM, Ala. – The U.S. Equal Employment Opportunity Commission (EEOC) today announced a major litigation settlement with Tyson Foods for \$871,000 on behalf of black workers who alleged that they were racially harassed and retaliated against at a chicken processing plant in Ashland, Alabama. The three-year consent decree entered today by U.S. District Court Judge Karen O. Bowdre also includes significant injunctive relief that will foster a discrimination-free workplace at Tyson Foods in Ashland.

The decree resolves two race discrimination and retaliation lawsuits against the poultry giant under Title VII of the 1964 Civil Rights Act: one filed by the EEOC in August 2005, and another filed by a group of 13 former and present African-American employees. The cases, resolved during the discovery stage, had been consolidated by Judge Bowdre in U.S. District Court for the Northern District of Alabama (In Re Tyson Foods Litigation, Consolidated Case No. CV-05-BE-1704-E).

Collectively, the litigation charged Tyson Foods with maintaining a racially hostile work environment at the Ashland facility – including a racially segregated bathroom facility, racial slurs, and intimidation – and retaliating against employees who complained about the unlawful conduct. As part of its suit, the EEOC said that a Tyson employee established a locked, segregated bathroom facility, which on occasion had signs posted. Keys to the facility were allegedly distributed by that employee to white employees only.

“We are pleased that the EEOC, the attorneys for the individual plaintiffs, and the Lawyers’ Committee for Civil Rights were able to work cooperatively with Tyson Foods to resolve this matter amicably,” said the EEOC’s newly appointed Birmingham district director, Delner Franklin-Thomas. “This comprehensive consent decree should remind all employers to be alert to discrimination, to take prompt and corrective action if and when it occurs, and to avoid retaliation.”

In addition to the substantial monetary relief, the consent decree mandates the following systemic changes for the Ashland, Alabama facility:

- Appointing a senior level employee as “consent decree coordinator” to oversee the implementation of the settlement. The coordinator will be responsible for reviewing Tyson’s policies and procedures for addressing discriminatory workplace conduct and supplementing those policies as necessary. The coordinator will also be responsible for preparing and submitting semi-annual reports to the EEOC over the three-year term of the decree.
- Providing periodic training to all employees on what constitutes racial discrimination, harassment, and retaliation – and on how to respond to such actions.
- Monitoring employee discipline for potential or actual disparate treatment in the distribution of discipline or the resolution of grievances.
- Holding supervisors at the Ashland plant accountable for participating in, permitting, or failing to report incidents of racial discrimination or harassment. Tyson will substantially discipline – up to and including termination, suspension without pay and demotion – any supervisor found to have violated its policies. Performance appraisals on supervisors at the Ashland plant will include compliance with the discrimination and harassment policies.

C. Emanuel Smith, regional attorney of the EEOC’s Birmingham District Office, said, “This resolution, along with the additional steps which Tyson Foods took on its own, fairly compensates the employees at the Ashland

facility. The consent decree also puts in place sufficient protective measures to allow early resolution of future employment disputes."

Charles Guerrier, the senior trial attorney in Birmingham who led the EEOC's litigation effort, said, "The resolution of this case long before trial is in part a product of early remedial measures taken by Tyson and the support of the attorneys representing the plaintiffs. This settlement is a win-win outcome for all parties and will have a lasting impact in addressing any future discrimination."

The individual plaintiffs were represented by a team comprised of attorneys from the Lawyer's Committee for Civil Rights Under Law in Washington; Shearman & Sterling LLP in New York; Nakamura Quinn & Walls LLP in Birmingham; and Lightfoot Franklin & White, LLC, also in Birmingham. Tyson was represented by Maynard, Cooper & Gale, P.C., in Birmingham, and Akin Gump Strauss Hauer & Feld LLP in Washington.

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. 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 federal laws prohibiting employment discrimination based on race, color, sex, religion, national origin, age, and disability. The Birmingham District Office's jurisdiction includes Alabama, most of Mississippi, and the Florida panhandle. Further information about the EEOC is available on its web site at www.eeoc.gov.

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