

The U.S. Equal Employment Opportunity Commission

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HILL BROTHERS CONSTRUCTION TO PAY \$225,000 FOR SAME-SEX HARRASSMENT AGAINST MEN

EEOC Obtains Favorable Jury Verdict in Lawsuit Against Faulkner Company

OXFORD, Miss. -- A federal jury here returned a \$225,000 verdict Friday against Hill Brothers Construction Company and Engineering Company, Inc. (Hill Brothers) in a rare same-sex harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of male employees who were sexually harassed by other men.

The EEOC charged in its lawsuit that Hill Brothers discriminated against Scott Beasley, Joel Graves and Douglas Smith in violation of Title VII of the 1964 Civil Rights Act by subjecting them to a sexually hostile work environment. After a week-long trial, the jury awarded \$75,000 each to Beasley, Graves and Smith as punitive damages in the case, which was presided over by U.S. District Judge Michael P. Mills. Beasley was also represented by private counsel.

"We are pleased with the jury verdict and believe the male victims in this case were vindicated," said Senior EEOC Trial Attorney Valerie Hicks-Powe, who led the federal agency's litigation efforts. "Employers must take all complaints of harassment seriously, regardless of the gender of the parties involved."

Beasley, Graves and Smith were hired as truck drivers for Hill Brothers in September 1999, July 2001 and August 2001 (respectively). All three complained of harassment from Gregg Witt beginning in 2001. EEOC alleged that the harassment was severe, pervasive, and included sexually offensive comments and unwanted physical contact.

EEOC Birmingham District Director Delner Franklin-Thomas said, "Employers need to heighten their awareness of discrimination and take the appropriate action to address and correct it. There is simply no excuse for an employer's failure to remedy pervasive sexual harassment and physical assault of employees who have complained repeatedly to management. We strongly encourage Mississippi employers to take notice that discrimination is a costly practice and early prevention makes a better, more productive workplace."

Although the jury did not award any back pay or compensatory damages, the EEOC will request the court to consider the award of additional damages and also will seek injunctive relief against Hill Brothers. The EEOC filed the lawsuit resulting in the jury trial after first attempting to reach a voluntary pre-litigation settlement with Hills Brothers.

EEOC Birmingham District C. Emanuel Smith noted: "Some employers may view male-on-male harassment as 'horseplay' or 'boys being boys' but this kind of intentional discrimination can cause needless suffering and permanent scars for employees -- not to mention creating liability issues for employers who violate federal law."

Hill Brothers describes itself as a full service construction company which has bid and performed all types of construction work, both civil and defense for the Army Corps of Engineers and all types of private and public work. The company is licensed in Mississippi, Alabama, Arkansas, Louisiana, and Tennessee.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

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