

The U.S. Equal Employment Opportunity Commission

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WASTE MANAGEMENT COMPANY TO PAY NEARLY \$200,000 FOR DISABILITY DISCRIMINATION

Qualified Employee with Crohn's Disease Fired Unlawfully, EEOC Suit Says

BALTIMORE - The U.S. Equal Employment Opportunity Commission (EEOC) today announced a \$194,000 settlement of an employment discrimination lawsuit filed under the Americans with Disabilities Act of 1990 (ADA) on behalf of a qualified former employee with Crohn's disease who was terminated by Browning-Ferris, Inc., a waste management company.

EEOC's lawsuit originated from a charge of discrimination filed by Deborah Brown, a boom truck driver and trash compactor repair person, who alleged that Browning-Ferris, Inc. violated the ADA when it abruptly discharged her because of her Crohn's disease, an inflammatory bowel disorder. According to Browning-Ferris, it feared that Ms. Brown's Crohn's disease, coupled with her exposure to waste, would lead to life-threatening consequences for her. Ms. Brown was fired from Browning-Ferris due to her disability despite her insistence and the insistence of her medical specialists that her external environment had no relation to her Crohn's disease, and that she safely and effectively had worked around waste throughout her nearly 10-year career.

A Consent Decree settling the case was entered by Judge Marvin J. Garbis in the United States District Court for the District of Maryland. Under the settlement, Browning-Ferris will pay full back wages and compensatory damages to Ms. Brown in the amount of \$194,000. In addition, Browning-Ferris is enjoined from violating the ADA and must post notices advising its employees of their right to be free from disability-based discrimination.

"The Americans with Disabilities Act prevents employers from making employment decisions based on myths, fears, and stereotypes - which is exactly what occurred in this case," said Gerald S. Kiel, Regional Attorney of the EEOC's Baltimore District Office. "An employer must conduct an individualized assessment when determining if an employee's disability constitutes a direct threat to the health and safety of herself or others. Here, in particular, Ms. Brown had a good and safe employment history with the company and continued working in the waste removal business following her discharge."

In addition to enforcing Title I of the ADA, which prohibits discrimination against people with disabilities in the private sector and state and local governments, the EEOC enforces Title VII of 1964 Civil Rights Act, as amended, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector; 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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