
The U.S. Equal Employment Opportunity Commission

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JUDGE ORDERS JOHN PICKLE CO. TO PAY \$1.24 MILLION TO 52 FOREIGN WORKERS IN 'HUMAN TRAFFICKING' CASE

EEOC Said Skilled Laborers Recruited from India were Imprisoned, Exploited and Abused

TULSA, Okla. – In a significant legal victory for the U.S. Equal Employment Opportunity Commission (EEOC), a federal judge has ordered John Pickle Company, Inc. (JPC) and its president, John Pickle, to pay \$1.24 million to 52 male victims of national origin discrimination and “human trafficking” who were recruited from India as skilled laborers and then subjected to widespread abuse, intimidation and exploitation.

In its lawsuit, the EEOC charged the Tulsa, Okla.-based oil industry parts manufacturer with recruiting the class of foreign employees to the United States with assurances they would work under conditions similar to those of Americans. However, in her 71-page written opinion, Federal District Court Judge Claire V. Eagan detailed evidence of unlawful and egregious conduct by JPC against the Indian-born high-tech welders, fitters, electricians, engineers and cooks once they arrived in the United States.

The judge ruled that JPC was responsible for subjecting the Indian workers to fraud and deceit, inadequate pay, sub-standard living conditions, false imprisonment, lockdowns with an armed guard, phone tapping, food rationing, restrictions on freedom to worship, degrading job assignments, ethnic slurs, intimidation, and the non-payment of wages earned. The court concluded that this conduct violated Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. Section 1981, because the treatment was based on the national origin of the foreign workers.

“This is a case in which the American dream turned into a workplace nightmare,” said EEOC’s Dallas Regional Attorney Robert A. Canino, the agency’s trial counsel and member of a federal interagency Worker Exploitation Task Force. “We expect that a decision like this, which wraps the civil rights laws of Title VII and §1981 around the country’s growing problem of human trafficking, will serve as valuable precedent and give the government one more weapon in the fight against exploitation and forced labor.

Indian witnesses testified at trial to being deceived by JPC that they were being brought to the United States with the promise of lawful wages and appropriate working conditions. However, once they arrived, the workers had their identification and immigration documents confiscated by JPC, were crammed into a warehouse “dormitory,” and only paid between \$1.00 and \$3.17 per hour (while non-Indian employees of JPC were paid approximately \$14.00 per hour for performing the same type of skilled work).

The court relied on findings from testimony that the highly skilled welders and fitters from India were also made to perform janitorial work, replace a septic tank, and perform kitchen duties and yard work for JPC officers. Beginning in October 2001, the Indian workers were forced to live behind the gates of the company until escaping from the facility in February 2002 with the aid of area churches.

Regional Attorney Canino added, “This case is a prime example of where the purposes of the U.S. anti-discrimination laws and immigration laws converge to protect both American and foreign workers with needed skills. American companies would be undermined by unfair competition if employers like JPC were allowed to engage in illegal schemes to obtain cheap foreign labor.”

Judge Eagan’s 71-page decision followed two earlier trials and prior “Findings of Fact and Conclusions of Law” issued in August 2004. The EEOC’s lawsuit was joined with a related civil action which had been filed by the workers on their own behalf alleging false imprisonment, minimum wage violations under the Fair Labor Standards Act (FLSA), deceit, and intentional infliction of emotional distress. (*Chellen et al. and EEOC v. John Pickle Company, Inc., Case* No. 02-CV-0085-CVE-FHM [Base File] and 02-CV-0979-CVE-FHM [Consolidated] in the U.S. District Court for the Northern District of Oklahoma). The total damages awarded by the Court addressed the claims in both the government’s suit and the private action.

The EEOC is responsible for enforcing the nation’s laws prohibiting employment discrimination based on race, color, gender (including sexual harassment and pregnancy), religion, national origin, age, disability and retaliation. Further information about the EEOC is available on its web site at www.eeoc.gov.

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