

The U.S. Equal Employment Opportunity Commission

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CONTACT:
Judy Keenan
Supervisory Trial Attorney
212.336.3705
Elizabeth Grossman
Regional Attorney
212.336.3696
Robert Rose
Senior Trial Attorney
212.336.3708
Raechel Adams
Senior Trial Attorney
212.336.3707

EVERDRY WATERPROOFING TO PAY \$585,000 FOR TEEN HARASSMENT; JURY RETURNS VERDICT IN EEOC SEX BIAS SUIT

Federal Agency said Class of Young Women Subjected to Verbal and Physical Sexual Abuse

ROCHESTER, N.Y. – A jury in federal district court here has returned a \$585,000 verdict in a major sexual harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) against a national residential basement waterproofing company on behalf of a class of 13 young women, mostly teenage girls still in high school, who were subjected to a sexually hostile work environment by male managers and salesmen.

EEOC's lawsuit, filed in 2001 under Title VII of the 1964 Civil Rights Act, charged Everdry Marketing and Management, Inc. and Everdry Management Services, Inc.-- also known as Everdry Waterproofing and Everdry of Rochester -- with sexually harassing the class of female former workers from 1998 onward at the company's Rochester location (Everdry Marketing and Management Inc., based in Cleveland, Ohio, and its Rochester, N.Y., affiliate are two Everdry companies that are part of one integrated business enterprise). The harassment took the form of egregious acts of verbal and physical sexual conduct on the part of the companies' managers and salesmen. EEOC said that Everdry failed to take necessary steps to stop the harassment, despite complaints to local and national management. EEOC also asserted that the work conditions were so intolerable that some of the women were forced to quit (constructively discharged).

After a nearly two week trial that started October 10, the jury rendered a verdict in favor of the EEOC, providing \$325,000 to the 13 young women to compensate them for lost wages and the emotional pain and suffering they endured. The jury also assessed punitive damages against Everdry in the amount of \$260,000. EEOC will also ask the court to award injunctive relief designed to prevent future discrimination.

"The jury's award sends a strong message to employers that they must maintain work environments free of sexual harassment and be vigilant in protecting teen employees – one of the most vulnerable segments of the labor force," said Robert Rose, an EEOC trial attorney on the case. "We applaud the courage of these young women for speaking out and coming to the EEOC. This jury verdict shows that justice has been done."

EEOC said at trial that the sexual harassment at Everdry occurred for four years and included male managers smacking female employees on the buttocks, attempting to grab their breasts, and pressuring them for sex. The harassment also included a constant stream of lewd and graphic sexual comments, gestures, and requests for female employees to wear specific types of clothing and do table top dances for the men. A 16-year-old girl was coerced into having her toes sucked by her male manager in front of her co-workers on her first day on the job.

Anna Stevenson, one of the claimants in the lawsuit, said, "I am very pleased with the jury's verdict and am thankful for the EEOC's willingness to pursue this lawsuit for me and for the other women who were sexually harassed at Everdry."

Raechel Adams, the other EEOC trial attorney on the case, said, "The harassment at Everdry was especially egregious because many of the employees were teenage girls who were abused by their supervisors and may have felt they had no where to turn for help. This lawsuit demonstrates that the EEOC is committed to protecting teen workers through strong enforcement when employers fail to prevent and correct discrimination."

EEOC New York District Director Spencer H. Lewis, Jr., said: "One important component of our national Youth@Work Initiative is helping companies to implement effective measures to prevent teen harassment and to remedy any discrimination promptly if and when it occurs. We strongly believe that proactive prevention is the best medicine."

In September 2004, EEOC Chair Naomi C. Earp (then vice chair) launched the federal agency's national Youth@Work initiative -- a comprehensive outreach and education campaign designed to inform teens about their employment rights and responsibilities and to help employers create positive first work experiences for young adults. Thus far, the EEOC has held more than 1,600 Youth@Work events, reaching over 112,000 students, education professionals, and employers nationwide. Further information about the program, including how to schedule a free Youth@Work outreach presentation, is available on the EEOC's web site at <http://www.eeoc.gov/initiatives/youth/index.html>. Specific EEOC-related information for teens is available on the Youth@Work web site at <http://www.youth.eeoc.gov>.

EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC can be found online at www.eeoc.gov.

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