

5.2.10: Case Study: ABM Industries Settles EEOC Sexual Harassment Suit For \$5.8 Million

Class of Hispanic Janitorial Workers Sexually Harassed, One Raped by Supervisor, Federal Agency Charged

LOS ANGELES — ABM Industries, Inc., along with two subsidiaries, ABM Janitorial Services, Inc. and ABM Janitorial Services Northern California, Inc. will pay \$5.8 million and provide other relief to a class of 21 Hispanic female janitorial workers, settling an egregious sexual harassment lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The sexual harassment began around 2001, with the most severe forms involving sexual assaults of some women beginning in 2005 throughout California's Central Valley region, according to the EEOC's suit. The EEOC asserted that the 21 class members were victims of varying degrees of unwelcome touching, explicit sexual comments and requests for sex by 14 male co-workers and supervisors, one of whom was a registered sex offender. Some of the harassers allegedly often exposed themselves, groped female employees' private parts from behind, and even raped at least one of the victims, the EEOC said. The EEOC's suit charged that ABM failed to respond to the employees' repeated complaints of harassment, which made for a dangerous and sexually hostile work environment. Many of the harassers continued to work despite the complaints.

The EEOC filed suit against ABM in 2007 in the U.S. District Court for the Eastern District of California (U.S. EEOC v. ABM Industries, Inc. and ABM Janitorial Services, Inc., et al., Case No. 1:07 CV 01428 LJO JLT), arguing that the conduct was a direct violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII), which prohibits gender discrimination in employment, including sexual harassment.

"Despite progress, sexual harassment remains a significant problem for our nation's workforce," said EEOC Chair Jacqueline A. Berrien. "The EEOC takes very seriously its obligation to obtain redress for employees who are victims of these egregious practices. This settlement serves as a reminder to employers that they must remain vigilant in preventing and remedying harassment in their workplace."

Aside from the monetary relief, the three-year consent decree settling the suit requires ABM to:

- Designate an outside equal employment opportunity monitor to ensure the effectiveness of ABM's investigations, complaint policies, and procedures, and assist in anti-harassment training to employees;
- Ensure that investigators of harassment complaints are trained thoroughly to investigate internal complaints of discrimination, harassment, and retaliation;
- Establish a toll-free telephone hotline to receive complaints of harassment and retaliation;
- Provide anti-harassment training to its employees in both English and Spanish to include a video message from the chief executive officer emphasizing zero tolerance for harassment and retaliation;
- Conduct internal compliance audits at worksites;
- Closely track any future discrimination complaints to conform to its obligations under Title VII;
- Provide periodic annual reports to the EEOC regarding its employment practices; and
- Ensure that employees are not subjected to harassment and retaliation.

"All I wanted was to do my job," said class member Maria Quintero. "I never dreamed that I would be exposed to so much abuse at work. I complained several times about the abuse I suffered and saw, and they did nothing. I am relieved to know that ABM will make changes to make sure that no one else has to suffer as we did."

Anna Park, regional attorney for the EEOC's Los Angeles District Office, said, "We commend ABM for addressing what we found to be a grave and ominous situation for its female staff. Employers must implement strict policies and procedures to safeguard against such harassment, and take employee complaints seriously so that they not rise to the level of severity we saw in this case."

Melissa Barrios, local director for the EEOC's Fresno Local Office, added, "The EEOC is an avenue for workers who suffer sexual abuse and harassment on the job. Workers have the right to file complaints against employers that fail to protect them against such behavior—and without the threat of retaliation."

According to ABM's website, www.abm.com, ABM Janitorial Services is a Fortune 1000 provider of commercial cleaning services, operating in branches nationwide.

The EEOC is the federal agency that enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on the agency's website at www.eeoc.gov.

5.2.10: Case Study: ABM Industries Settles EEOC Sexual Harassment Suit For \$5.8 Million is shared under a [not declared](#) license and was authored, remixed, and/or curated by LibreTexts.