

## 5.2.8: Case Study: Dunnewood Vineyards Sued by EEOC for Harassment of Latino Workers

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### U.S.-Born Latino Supervisor Targeted Mexican-Born Employees, Agency Charges

SAN FRANCISCO — Ukiah winery Dunnewood Vineyard, owned by Constellation Brands (NYSE: STZ and STZ.B), violated federal law for tolerating discrimination against its Mexican-born workers, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

The EEOC's suit asserts that a supervisor at Dunnewood Vineyard regularly harassed winery worker Julio Perez-Lombera and other Mexican-born co-workers, telling them to go back to Mexico and calling them "wetbacks" and "beaners" on a daily basis. Although the supervisor was also Latino, he was born in the U.S., whereas the workers he harassed were born in Mexico. According to the EEOC, Dunnewood retaliated against Perez-Lombera when he reported the verbal attacks, ultimately leading to the loss of his job.

Harassment based on national origin and retaliation violates Title VII of the Civil Rights Act of 1964. After first attempting to reach a pre-litigation settlement through conciliation, the EEOC filed the lawsuit (*EEOC v. Constellation Brands, Inc., dba Dunnewood Vineyards*, Civil No. CV11-4437-DMR) in U.S. District Court for the Northern District of California, seeking monetary damages on behalf of the workers, training on anti-discrimination laws, posting of notices at the worksite and other measures to prevent future discrimination.

"It's hard to understand why a member of one group would harass members of the same group on the basis of their national origin, but, sadly, there's all kinds of discrimination in too many workplaces," said EEOC San Francisco District Director Michael Baldonado. "Fortunately, the law prohibits harassment due to national origin, plainly and simply, regardless of the race, national origin or gender of the harasser or victims."

EEOC San Francisco Regional Attorney William R. Tamayo pointed out that more than a third of all cases seen by the agency involve retaliation, and that, for the first time ever, retaliation under all statutes (36,258) surpassed race (35,890) as the most frequently filed charge at the EEOC in the fiscal year 2010.

Tamayo said, "Employers who try to solve a harassment problem by getting rid of the people who speak out about it will only add to that statistic. We hope this lawsuit will remind employers of their legal obligation to respond properly to complaints about harassment or discrimination, with timely investigation and steps to end any misconduct found."

Dunnewood Vineyards is owned and operated by Constellation Brands, Inc., an S&P 500 Index and Fortune 1000 company. According to company information, as one of the world's largest wine and alcohol beverage companies, Constellation operates approximately 30 wineries/facilities, employs about 4,300 workers, and distributes products in 125 countries.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its website at [www.eeoc.gov](http://www.eeoc.gov).

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