

5.2.11: Case Study: Mercury Air Centers To Pay \$600,000 For National Origin, Race And Sex Harassment In EEOC Suit

Salvadoran Airport Employee Was Promoted Despite Harassment of Filipino, Guatemalan and Mexican Male Workers, Federal Agency Charged

LOS ANGELES – Aircraft services provider Mercury Air Centers, Inc., will pay \$600,000 and furnish other relief to settle a national origin, race, and sex harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The EEOC originally filed suit against Mercury Air Centers in September 2008 in the U.S. District Court for the Central District of California (*EEOC v. Mercury Air Centers, Inc.*, CV-08-06332-AHM(Ex)), alleging that the harassment violated Title VII of the Civil Rights Act of 1964. Since the filing of the lawsuit, Mercury Air Centers was sold and became a part of Atlantic Services, Inc. Atlantic Services then worked with the EEOC in an effort to resolve the lawsuit.

According to the EEOC, the seven victims – including one Filipino male and six Hispanic males – endured a barrage of harassing comments on the part of a Salvadoran male co-worker at the Bob Hope Airport facility in Burbank, Calif., since at least 2004. The EEOC claims that a Filipino line technician was regularly referred to as a "chink," "chino," and "stupid Chinese," and subjected to offensive statements about Filipinos. The alleged harasser derided the Guatemalan victims with derogatory remarks regarding their national origin, including references to them as "stupid Guatemaltecos" and stating that Guatemalans are useless and inferior to Salvadorans. Prior to learning the actual national origin of one of the Guatemalan victims, the alleged harasser also called him a "stupid Mexican."

The EEOC contends that the alleged harasser also repeatedly hurled offensive racial and sexual remarks toward the claimants and at least two African-American employees, which included usage of the N-word and requests for sexual favors. The alleged harasser grabbed his genitals in their presence and engaged in unwanted sexual touching. Despite complaints regarding his inappropriate behavior, Mercury Air Centers' management officials failed to fully investigate or address the alleged harassment, says the EEOC. In fact, the alleged harasser was instead promoted to a supervisory position.

The settlement includes total monetary relief of \$600,000 to be paid to at least seven employees along with a group of unidentified class members. The company also agreed to a two-year consent decree that calls for the appointment of an equal employment opportunity (EEO) officer to ensure compliance with anti-discrimination laws, along with an anti-discrimination policy, training, procedures, and reporting requirements to the EEOC.

"We commend Atlantic Services for taking steps to rectify the hostile work environment that persisted at Mercury Air Centers," said Anna Park, regional attorney of the EEOC's Los Angeles District Office. "Employers must properly heed warnings about harassing activity at the outset, so that it does not permeate throughout the rest of the working environment. Rewarding bad behavior simply sends out the wrong message to employees."

Olophius E. Perry, district director of the EEOC's Los Angeles District Office, added, "As the American workforce becomes increasingly more diverse, the potential for inter-minority and same-sex discrimination also rises. Employers must be mindful not to downplay such forms of discrimination, which can be just as demoralizing to the workforce as more traditional civil rights violations."

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

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