

5.3.6: Case Study: Delano Regional Medical Center to Pay Nearly \$1 Million in EEOC National Origin Discrimination Suit

Filipino-American Hospital Workers Were Singled Out for Harassment and Discrimination, Federal Agency Charged

BAKERSFIELD, Calif. - Delano Regional Medical Center (DRMC), an acute care hospital in California's San Joaquin Valley, will pay \$975,000 to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) and the Asian Pacific American Legal Center (APALC) on behalf of a class of approximately 70 Filipino-American hospital workers. The settlement, announced today, resolves the EEOC's and APALC's charges that the workers endured ongoing harassment and discrimination due to their national origin, stemming from the top levels of hospital management.

Since at least 2006, the Filipino-American hospital workers, mostly nursing staff, alleged that they were the targets of harassing comments, undue scrutiny and discipline particularly when speaking with a Filipino accent or in Filipino languages like Tagalog or Ilocano. Supervisors, staff, and even volunteers were allegedly encouraged to act as vigilantes, constantly berating and reprimanding Filipino-American employees for nearly six years. According to the EEOC, staff constantly made fun of their accents, ordering them to speak English even when they were already speaking in English. Some Filipino-American workers endured humiliating threats of arrest if they did not speak English and were told to go back to the Philippines. In a particularly offensive incident, an employee sprayed air freshener on a claimant's lunch due to the offender's self-professed hatred of Filipino food.

The hostile work environment stemmed from a 2006 meeting in which the chief executive officer and hospital management called only Filipino-American staff to a meeting and threatened them about the consequences of not complying with the hospital's English-only language policy, including the installation of surveillance equipment to monitor their conversations. No other groups were targeted in the meeting. The policy allegedly required employees to speak in English except when speaking to a patient with other language needs or during break time.

Rather than enforcing the policy with all staff, the EEOC asserted that solely Filipino-American staff was disciplined for alleged infractions and constantly monitored for enforcement of the policy. Non-Filipino staff who routinely spoke languages other than English - such as Spanish - on the job were not disciplined or harassed as a result. Ultimately, about 115 Filipino-American workers signed a petition reporting the discrimination and harassment to top-level hospital management. However, hospital management continuously failed to investigate the allegations or take any action to stop it for an extensive period of time thereafter.

The EEOC filed suit against the hospital in August 2010 in U.S. District Court for the Eastern District of California (*EEOC v. Central California Foundation for Health d/b/a Delano Regional Medical Center*, Case No. 10-CV-01492-LJO-JLT). The EEOC argued that this conduct violated Title VII of the Civil Rights Act of 1964. Thereafter, on Jan. 18, 2011, APALC partnered with the EEOC, intervening in the EEOC's lawsuit and bringing forth its own lawsuit on behalf of several more alleged victims.

As part of the settlement announced today, the parties entered into a three-year consent decree requiring DRMC to pay \$975,000 in monetary relief, to develop strong protocols for handling harassment and discrimination, and to adopt a language policy that complies with Title VII. The hospital further agreed to hire an EEO monitor to assist Delano to comply with the terms of the agreement; to revise policies and procedures; and, to conduct anti-harassment and anti-discrimination training for all staff with additional training for supervisors. The hospital will submit reports to the EEOC and will post a notice on the matter. The EEOC will monitor compliance with the consent decree.

"Employees should never be targeted because of their national origin or language," said EEOC General Counsel P. David Lopez. "The EEOC stands ready to assist employees nationwide who believe they have suffered workplace discrimination, and to ensure that our workforce reflects the rich diversity of our nation."

The EEOC is working with the White House and other agencies to improve the quality of life and opportunities for Asian-Americans and Pacific Islanders by facilitating increased access to and participation in federal programs where they remain underserved.

Anna Park, regional attorney for the EEOC's Los Angeles District Office, said, "The EEOC continues to see the improper implementation of language policies that contradict the civil rights of employees in the health care industry. All employers should take DRMC's lead and ensure that their language policies do not violate federal law. We commend the Filipino-American workers who came forward, and we encourage other Asian-Americans and Pacific Islanders to do the same if they experience discrimination or retaliation in the workplace."

Plaintiff Wilma Lamug, a licensed vocational nurse who worked at DRMC for more than 10 years, said, "We Filipino nurses loved our jobs and always gave outstanding care to our patients, and it was humiliating to be harassed and singled out. We wanted to be free from discrimination and EEOC and APALC helped us fight for justice. We hope that this case will serve as a model to others. Workers deserve respect as human beings and deserve to be treated fairly."

"DRMC enforced an overly restrictive English-only policy against its Filipino American employees and created a workplace environment that was hostile towards them," said Laboni Hoq, litigation director at APALC. "This landmark settlement should send a strong message to employers that it is illegal to target workers based on their national origin and will hopefully encourage more Asian American and immigrant workers to speak out when their rights are violated. We applaud the EEOC for initiating this case, and for standing with us in fighting for a resolution that not only vindicated our clients' rights but also lays the groundwork for more just language policies in other workplaces."

According to its website, the Delano Regional Medical Center employs over 600 staffers, including over 130 physicians, with about 156 hospital beds in the city of Delano, located about 30 miles north of Bakersfield, Calif.

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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