

5.1.7: Case Study: Whirlpool Corp. To Pay Over \$1 Million For Harassing Black Female Worker, Judge Rules In Bench Trial

EEOC Said Company Tolerated Verbal Harassment Culminating in Physical Assault

NASHVILLE, Tenn. – The U.S. Equal Employment Opportunity Commission (EEOC) today announced a final court judgment of \$1,073,261 against Whirlpool Corporation in a race and sex discrimination lawsuit on behalf of Carlota Freeman, an African American former employee at the company's LeVergne, Tenn.-based facility. The EEOC alleged in its lawsuit that the appliance manufacturing giant failed to protect Freeman from persistent harassment by a white male coworker, which ultimately resulted in her being physically assaulted by him.

Following a bench trial, Tennessee District Court Judge John T. Nixon last week awarded Freeman \$773,261 in back pay and front pay, and \$300,000 in compensatory damages for nonpecuniary injuries – the maximum allowed under federal law. During the four-day trial, the evidence showed that Freeman reported escalating offensive verbal conduct and gestures by the male coworker over a period of two months before he physically assaulted her; four levels of Whirlpool's management were aware of the escalating harassment; Whirlpool failed to take effective steps to stop the harassment; and, Freeman suffered devastating permanent mental injuries that will prevent her from working again as a result of the assault and Whirlpool's failure to protect her.

"It is deeply disturbing that such a large and sophisticated company would allow this sort of abuse to go unchecked – even up to the point where serious physical injuries are inflicted on one of its employees," said Commission Acting Chairman Stuart J. Ishimaru. "This significant monetary award

for a single individual should put Corporate America on notice that there can be extraordinary consequences for tolerating or overlooking egregious discrimination. The EEOC will not stand by while vulnerable workers like Ms. Freeman are forced to forego their economic security and fear for their safety because of their race and/or sex."

The EEOC filed suit against Whirlpool under Title VII of the Civil Rights Act in U.S. District Court for the Middle District of Tennessee (Civil Action No. 3:06-0593) after first attempting to reach a voluntary settlement through the agency's conciliation process.

EEOC Regional Attorney Faye Williams said, "Whirlpool unsuccessfully argued that because it had posted a policy prohibiting harassment, the company relieved itself of responsibility for Ms. Freeman's injuries. However, the court correctly pointed out that when those charged with enforcing a policy don't take that responsibility seriously, an employer has not met its duty under Title VII to prevent and stop illegal harassment in its workplace."

Carlota Freeman intervened in the case and was represented by Nashville attorneys Helen Rogers and Andy Allman. Whirlpool Corporation was represented by the Littler Mendelson law firm out of Chicago.

EEOC Trial Attorney Steve Dills said: "The purpose of equitable relief in Title VII cases is to make whole the victims of discrimination. Unfortunately, the judgment, in this case, is a bittersweet outcome because the injuries suffered by Ms. Freeman are so devastating."

According to its website, Whirlpool Corporation, with world headquarters in Benton Harbor, Mich., "is the world's leading manufacturer and marketer of major home appliances, with annual sales of approximately \$19 billion, 70,000 employees, and 68 manufacturing and technology research centers around the world."

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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