PJAX, Inc. Charged with Sexual Harassment and Failure to Hire Class of Women for Non-Traditional Jobs

PITTSBURGH and BALTIMORE - The U.S. Equal Employment Opportunity Commission (EEOC) today filed two employment discrimination lawsuits against PJAX, Inc., a Pennsylvania-based trucking company which operates terminals throughout the eastern United States. The litigation, initiated by the EEOC's Philadelphia and Baltimore District Offices under Title VII of the Civil Rights Act of 1964, alleges widespread sexual harassment and sex discrimination by PJAX for creating a hostile work environment for female employees and denying a class of women consideration for the positions of driver and dockworker due to their sex. The lawsuits resulted from a coordinated investigation among EEOC's Baltimore, Cleveland, and Philadelphia district offices.

According to the EEOC suit filed in Pittsburgh by the Philadelphia District Office, PJAX subjected Allegheny, Pa., county residents Mary Brining and a group of other current and former female employees to sexual harassment. The suit says that since at least May 1999, PJAX's owners and other management officials engaged in unwanted and offensive vulgarity which included screaming at female employees, referring to them in sexually derogatory terms, and requiring them to perform personal chores for the owners (such as picking up laundry and having the owners' personal cars cleaned). Moreover, the EEOC alleges that one of the women was asked by a PJAX official to perform sexual favors for his "bookie" in order to reduce his gambling debt.

"The unwanted, intrusive, and demeaning behavior these women were subjected to has no place in a business setting," said Judith O'Boyle, Supervisory Trial Attorney of the EEOC's Philadelphia District Office. "The courts couldn't be any clearer in their approach to gender and sexual harassment, and employers have ample guidance to avoid a violation of the law in this area. Nevertheless, the owners of PJAX failed to heed this guidance or respond effectively to the women's complaints."

The other lawsuit, filed by the EEOC's Baltimore District Office, alleges failure to hire a class of women for non-traditional jobs due to their sex. The Commission estimates that at least 200 females, drivers and dockworker applicants combined, were excluded from consideration for these positions because of discriminatory employment policies. "The Commission has every reason to believe even more victims are out there and unidentified since the company was known to discard the applications from individuals whom it had no intention of hiring," said Gerald S. Kiel, Regional Attorney of the agency's Baltimore office.

The litigation originates from two charges of discrimination filed with the EEOC. One charge was filed by Mary Kutchera, a truck driver with 30 years experience who applied for a position with PJAX's Cleveland terminal and was refused hire because of her sex and age (55 at the time of application). Ms. Kutchera applied for a position at the PJAX Trucking facility located at 5300 Crayton Avenue in Cleveland. The other charge of discrimination was filed by Robert Fallon, a Baltimore-based terminal manager who was terminated by the company because he protested PJAX's discriminatory employment practices, including its refusal to process applications from females, older applicants, and from applicants with disabilities. Mr. Fallon is
included in this action as an individual who was the victim of retaliation for protesting the unlawful employment practices engaged in by the company.

Regional Attorney Kiel added: "The EEOC must remind employers that they are obligated by law to hire qualified employees without regard to sex or other non-job related factors. Moreover, employers cannot be permitted to terminate one's employment as punishment for speaking out against these unlawful practices which is like arresting someone for reporting a crime."

EEOC seeks to eliminate the discriminatory practices cited in the cases and have PJAX compensate the affected women for their losses and the emotional pain and humiliation each has experienced. The Civil Rights Act of 1991, which amended Title VII, provides that a victim of intentional discrimination may recover applicable compensatory and punitive damages in an amount that grows with the size of the employer up to a maximum of $300,000 for an employer with more than 500 employees, such as PJAX. The EEOC filed both lawsuits after investigating the charges, finding merit, and exhausting its conciliation efforts to obtain voluntary pre-litigation settlements with PJAX.

In addition to enforcing Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.