

EEOC NEWS



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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EEOC SUES POROUS MATERIALS FOR SEXUAL, RACIAL, AND ANTI-IMMIGRANT HARASSMENT AND RETALITION

Owner and Plant Manager Bullied Employees, Then Fired Employee Who Complained, Federal Agency Charges

NEW YORK – Porous Materials, Inc. (PMI), an Ithaca, N.Y.-based operator and manufacturer of testing equipment for porous materials, subjected its employees to an ugly mix of sexism, racism, and xenophobia and violated federal law prohibiting harassment and retaliation, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

The EEOC charges that a plant manager used racial slurs, called foreign-born employees “terrorists,” and told the only black employee that her husband should work in a cotton field with a rope around his neck. He then told her to drink Kool-Aid to calm down and fired her for complaining about his racist statements. He also complained that he was “sick” of immigrants stealing American jobs and not speaking English, forbade employees from speaking other languages, and urged immigrant employees to leave America.

The EEOC’s suit also charges that the plant manager was similarly abusive toward women: he loudly called women “bitches,” complained about their “PMS’ing,” and said that women could not perform a “man’s job.” He told a woman she would have to “come over here and sexually harass me” to be sent home early; made other unwanted sexual advances; said a woman was too “fat and disgusting” to have sex with her husband; and commented on female employees’ “buns” and “curves.” The company

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owner, rather than putting a stop to this, behaved similarly; he called female employees “dumb women,” complained that “these women can’t do anything,” and told a woman she would not be getting a raise because of her sex.

All this alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination—including harassment—because of sex, national origin or race, as well as retaliation.

The EEOC filed suit in U.S. District Court for the Northern District of New York (EEOC v. Porous Materials, Inc., Civil Action No. 3:18-cv-01099) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay, compensatory and punitive damages, and injunctive relief. The agency’s litigation effort will be led by Trial Attorney Daniel Seltzer and Supervisory Trial Attorney Nora Curtin.

“Businesses may think that permitting sex-, race- and national origin-based harassment in the workplace is acceptable,” said Seltzer. “It isn’t, and those who do so will be held accountable.”

Jeffrey Burstein, regional attorney for the EEOC’s New York District Office, added, “Employers cannot ignore harassment, let alone fire employees who report it. If employers fail to protect their workers, the EEOC will.”

According to Kevin Berry, the EEOC’s New York district director, “Preventing harassment and protecting immigrant workers are EEOC priorities that will continue to be pursued vigorously.”

The EEOC’s New York District Office is responsible for processing discrimination charges, administrative enforcement and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island, and Vermont. The Buffalo Local Office conducted the investigation resulting in this lawsuit.

The EEOC advances opportunity in the workplace by enforcing federal laws that prohibit employment discrimination. More information is available at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our [email updates](#).

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