



U.S. Equal Employment Opportunity Commission

Press Release

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Erie Construction to Pay \$99,000 to Settle EEOC Sex Discrimination and Retaliation Suit

Home Construction Company Settles Claims That It Fired Sales Representative Because of Her Sex and Opposition to a Sexually Hostile Work Environment

BIRMINGHAM, Ala. – Erie Construction Mid-West, LLC, a construction company headquartered in Toledo, Ohio, and doing business in Dallas, Texas, agreed to pay \$99,000 and provide other relief to settle claims of sex discrimination and retaliation in a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the lawsuit, Erie subjected a female sales representative to a sexually hostile work environment by playing music with sexually derogatory slurs throughout its Dallas facility. The agency claims that the sales representative opposed the sexist music to no avail. The EEOC claims that Erie then terminated the sales representative because of her sex and her opposition to the hostile work environment.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, as amended (Title VII), which prohibits employment discrimination because of sex and requires

employers to prevent and remedy unlawful harassment because of sex. Title VII also prohibits retaliation for opposing unlawful harassment because of sex. The EEOC filed suit (*EEOC v. Erie Construction Mid-West LLC*, case no. 3:23-cv-02060-K) in the United States District Court for the Northern District of Texas after first attempting to reach a pre-litigation settlement through its administrative conciliation process. Shortly after filing the lawsuit, the EEOC worked with Erie to reach an early settlement of the litigation.

“The prolonged playing of music containing lewd and misogynistic lyrics in the workplace can constitute harassment even if not directed at a particular employee,” said EEOC Birmingham District Director Bradley Anderson. Employers should take complaints of harassment seriously when confronted by employees to stop the music or risk a valid complaint of retaliation as was the case here.

Marsha Rucker, regional attorney for the EEOC’s Birmingham District, said, “Under Title VII, employers must ensure that their workplaces are free from unlawful harassment because of sex—whether that harassment takes the form of physical aggression, unwanted comments, or derogatory music. The EEOC will continue its work to ensure that all workplaces are inclusive and free from unlawful harassment.”

For more information on sex discrimination, please visit <https://www.eeoc.gov/sex-based-discrimination> (<https://www.eeoc.gov/sex-based-discrimination>). For more information on retaliation, please visit <https://www.eeoc.gov/retaliation> (<https://www.eeoc.gov/retaliation>).

The EEOC’s Birmingham District consists of Alabama, Mississippi (except 17 northern counties) and the Florida Panhandle.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all. More information is available at www.eeoc.gov (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our [email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).

Recent Press Releases from the Birmingham District Office

[Chipotle to Pay \\$50,000 in EEOC Sexual Harassment Case \(https://www.eeoc.gov/newsroom/chipotle-pay-50000-eeoc-sexual-harassment-case\)](https://www.eeoc.gov/newsroom/chipotle-pay-50000-eeoc-sexual-harassment-case)

[Gregg Orr Auto to Pay \\$325,000 to Resolve Disability and Age Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/gregg-orr-auto-pay-325000-resolve-disability-and-age-discrimination-lawsuit\)](https://www.eeoc.gov/newsroom/gregg-orr-auto-pay-325000-resolve-disability-and-age-discrimination-lawsuit)

[EEOC and Army Sustainment Resolve Disability Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/eeoc-and-army-sustainment-resolve-disability-discrimination-lawsuit\)](https://www.eeoc.gov/newsroom/eeoc-and-army-sustainment-resolve-disability-discrimination-lawsuit)

Recent Press Releases on the Subject of Sexual Harassment

[Chipotle to Pay \\$50,000 in EEOC Sexual Harassment Case \(https://www.eeoc.gov/newsroom/chipotle-pay-50000-eeoc-sexual-harassment-case\)](https://www.eeoc.gov/newsroom/chipotle-pay-50000-eeoc-sexual-harassment-case)

[Amerigo Italian Restaurant Owner Companies Pay \\$60,000 in EEOC Discrimination Suit \(https://www.eeoc.gov/newsroom/amerigo-italian-restaurant-owner-companies-pay-60000-eeoc-discrimination-suit\)](https://www.eeoc.gov/newsroom/amerigo-italian-restaurant-owner-companies-pay-60000-eeoc-discrimination-suit)

[TA Dedicated to Pay \\$460,000 in EEOC Sexual Orientation and Retaliation Suit \(https://www.eeoc.gov/newsroom/ta-dedicated-pay-460000-eeoc-sexual-orientation-and-retaliation-suit\)](https://www.eeoc.gov/newsroom/ta-dedicated-pay-460000-eeoc-sexual-orientation-and-retaliation-suit)