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Workers get \$11M settlement from a major transportation company

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Two lawsuits claiming a major transportation company maintained a racially hostile work environment ended last week, as a federal judge approved an \$11 million consent decree that benefits up to 324 employees.

The suits, one brought by a group of 14 employees and one filed by the U.S. Equal Employment Opportunity Commission (EEOC), alleged that the Kansas-based Yellow Transportation Inc., later called YRC Inc., failed to eliminate discriminatory practices at a Chicago Ridge facility.

Black employees there claim they endured racist graffiti, comments and cartoons. They also alleged the company subjected them to harsher discipline and scrutiny than white employees and that they received more difficult work assignments.

Ethan Michael Morley Cohen, an EEOC trial attorney who worked on the case, said the settlement offers closure to the employees who staffed the facility between 2004 and 2009, when it shut down.

"The money that will be distributed isn't really full compensation for the years of harassment and unequal work the class members had to endure," Cohen said. "But at

least it's some compensation."

Yellow Transportation ran the facility until October 2008, when the company merged with Roadway Express Inc. to form YRC.

In a statement, the company said it "vigorously disputed" the allegations and the settlement does not admit liability or wrongdoing.

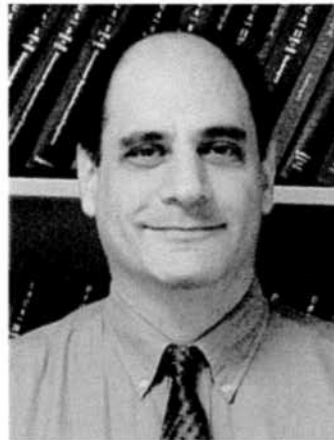
The company said it found factual and legal defenses to the claims, but settled to avoid further legal fees and costs.

"We take any claim of harassment or discrimination very seriously," Kelly Walls, YRC's senior vice president of human resources, said in the statement. "There may be isolated instances of improper conduct in any workplace, but the allegations in these cases did not reflect the real working environment at Chicago Ridge."

Many of the employees from the Chicago Ridge facility now work at a site in Chicago Heights, said Carol Coplan Babbitt, owner of the Law Office of Carol Coplan Babbitt and an attorney for the plaintiffs.

The EEOC also brought a lawsuit regarding conduct at that facility, which led to a \$10 million settlement with YRC in 2010.

A consent decree in that case requires the company to allow a monitor to review conditions and practices at the site. Those



Ethan Michael Morley Cohen

terms, Babbitt said, also help the former Chicago Ridge workers.

"They have a protection in place to make sure that if they're still working there, which many of them are, that the resolve is ongoing and they don't revert back to an improper or unlawful environment," she said.

U.S. Magistrate Judge Susan E. Cox granted preliminary approval of the settlement on Friday.

Cohen called the case an "intensely litigated" one, with several hundred thousand pages of documents and at least 80 depositions to date, with more to come.

In its statement, YRC said it continues to use policy, training



Carol Coplan Babbitt

and communications to indicate that respecting fellow employees remains essential to the company.

A YRC spokeswoman could not be reached for further comment.

Babbitt said the monetary award and the ongoing injunctive relief at the Chicago Heights facility should help the employees move on from the ordeal.

"That's the best you could do for somebody — give them a future that is better than what they had in the past," she said.

The cases are *Brown, et al., v. Yellow Transportation Inc.*, No. 08 CV 5908, and *EEOC v. Yellow Transportation Inc. and YRC Inc.*, No. 09 CV 7693.