



**U.S. Equal Employment Opportunity Commission**

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## **Press Release**

05-04-2023

# **Whiting-Turner to Pay \$1.2 Million to Settle EEOC Racial Harassment and Retaliation Suit**

Construction Company Subjected Black Workers to a Racially Hostile Work Environment, Then Fired Them After They Complained, Federal Agency Charged

NASHVILLE, Tenn. -- The Whiting-Turner Contracting Company, a construction management and general contracting company headquartered in Baltimore, will pay \$1.2 million to a class of Black former workers and furnish other relief to settle a race harassment and retaliation lawsuit brought against it by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC's lawsuit, Whiting-Turner served as the prime contractor for the construction of the Google Data Center in Clarksville, Tennessee. From at least May 2018 through the fall of 2019, the EEOC charged that Whiting-Turner subjected Black employees who worked at a construction jobsite to a racially hostile work environment and retaliated against two employees after they complained about race discrimination. The discriminatory treatment included referring to Black employees as "boy" "m----f-----" and "you." Many porta potties and buildings on the jobsite were defaced with racially offensive graffiti and a noose was displayed in the workplace on Martin Luther King Jr.'s birthday.

Although Black employees reported these issues to Whiting-Turner several times, the company failed to investigate the complaints and instead fired two employees after they complained about the discrimination.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race and retaliation for complaining about discriminatory treatment. The EEOC filed the lawsuit (Case No. 3:21-cv-00753) in U.S. District Court for the Middle District of Tennessee, Nashville Division, after first seeking to reach a pre-litigation settlement through its conciliation process.

Along with the monetary relief, the two-year consent decree, entered by Chief District Judge Waverly D. Crenshaw, Jr., requires Whiting-Turner to incorporate a strict prohibition against racial graffiti, racial jokes, racial slurs, racial epithets, and hate symbols into its anti-harassment policy; assign an EEO liaison to each of its construction sites; and conduct semi-annual training on Title VII of the Civil Rights Act of 1964.

“The allegations in the Whiting-Turner matter are a prime example of the urgent need for the EEOC’s ongoing efforts to eliminate racism in the construction industry,” said EEOC Chair Charlotte A. Burrows. “I am pleased that the Memphis District Office secured meaningful changes to the employer’s practices and monetary relief for Black workers harmed by the discriminatory conduct. Unfortunately, the shocking findings of the EEOC’s investigation in this case are not an isolated occurrence in the industry. The EEOC will continue to use all its tools -- from outreach to vigorous enforcement and litigation -- to address these systemic problems.”

In May 2022, the EEOC held a hearing to examine the challenges people of color and women face in the construction industry. Afterwards, Chair Burrows noted, “The construction sector has always been an important component of the American economy, as a major employer of America’s workers, a pathway to prosperity and security, and a key indicator of the nation’s health. Unfortunately, many women and people of color have either been shut out of construction jobs or face discrimination that limits their ability to thrive in these careers.”

EEOC Trial Attorney Roslyn Griffin Pack said, “Construction companies must take immediate steps to combat race discrimination on worksites. That action includes making sure its managers and supervisors are trained on Title VII and take prompt action at the first sign of trouble. It is our hope that the injunctive and monetary

relief obtained through this lawsuit will serve as a reminder to other construction companies that the EEOC remains committed to eradicating race discrimination in the construction industry.”

For more information on race and color discrimination, please visit

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

The EEOC’s Memphis District Office has jurisdiction over Arkansas, Tennessee, and 17 counties in Northern Mississippi.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at **[www.eeoc.gov](http://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>)**.