



EEOC News

U.S. Equal Employment Opportunity Commission
JFK Federal Building, Gov't Ctr., 4th Floor
Room 475
Boston, MA 02203-0506

PHONE (617) 565-3191
TTY (617) 565-3204
FAX (617) 565-3196

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CONTACT:
Markus L. Penzel, Senior Trial Attorney
(617) 565-3193
Elizabeth Grossman, Regional Attorney
(212) 336-3696
Bryan D. White, Public Affairs Officer
212-336-3670 (office)
347-213-8821 (cell)
TTY: (617) 565-3204

EEOC SUES FRED FULLER OIL COMPANY FOR SEXUAL HARASSMENT AND RETALIATION

*Despite Prior Case by EEOC, Company Owner Again Harasses and Retaliates Against
Female Employees, Federal Agency Charges*

BOSTON – Fred Fuller Oil Company, a Hudson, N.H.-based oil company, violated federal law when Fred Fuller, its owner, sexually harassed two women, caused the constructive discharge of one, and fired the other, her close friend, in retaliation for the first woman indicating she intended to file a claim of discrimination, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today. This lawsuit is the second time EEOC has sued the company because of Fuller's sexual harassment and retaliation.

EEOC's suit alleges that Fuller forced Nichole Wilkins to quit in July 2011 after he sexually assaulted her by grabbing and squeezing both her breasts from behind while pinning her against her desk. This assault was the culmination of a growing number of unwanted and inappropriate sexual comments and incidents of touching by Fuller. The lawsuit also alleges that Fuller created a sexually hostile work environment for Beverly Mulcahey, who was herself harassed and also, as a very close friend of Wilkins, was made aware of Fuller's harassment of Wilkins. The lawsuit alleges that when Wilkins notified Fuller in October 2011 of her intent to file a charge of discrimination, Fuller terminated Mulcahey less than a month later in retaliation, falsely claiming that her termination was due to poor performance.

EEOC previously sued Fred Fuller Oil Company in 2003 and settled that case, Civil Action No. 03-cv-426-B, in July 2005 for \$780,000 in relief for five women and other non-monetary relief. See <http://www.concordmonitor.com/article/oil-dealer-to-pay-780000-for-sex-harassment>.

Sexual harassment and retaliation violate Title VII of the Civil Rights Act of 1964. The EEOC filed this new suit, Civil Action No. 1:13-cv-00295, in U.S. District Court for the District of New Hampshire after first attempting to reach a pre-litigation settlement through its conciliation process. The agency seeks monetary relief for Wilkins and Mulcahey, counseling and treatment for Fred Fuller,

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the adoption of strong policies and procedures to prevent and remedy his harassment of his female workers, training on discrimination for its managers and employees, and other relief.

“Although the first settlement seems to have given Fuller pause, the allegations in this latest complaint confirm that Fuller did not learn anything from the large payment and the training that was required,” said Elizabeth Grossman, regional attorney for the EEOC’s New York District, whose jurisdiction includes New Hampshire. “This agency will continue to prosecute Fred Fuller’s company until he gets the message and no woman need fear working for him.”

Markus L. Penzel, trial attorney in the EEOC’s Boston Area Office, added, “The Commission characterized Fred Fuller as a ‘serial sexual harasser’ in its first lawsuit. Unfortunately, that still seems to be true.”

Preventing workplace harassment through systemic litigation and investigation is one of the six national priorities identified by the Commission's Strategic Enforcement Plan (SEP).

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the agency is available on the agency's web site at www.eeoc.gov.

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