

FOR IMMEDIATE RELEASE

The Legal Aid Society – Employment Law Center

CONTACTS:

Julie Levak-Madding, vice president, External Relations, (415) 864-8848, ext. 271, jlevak-madding@las-elc.org

Elizabeth Kristen, senior staff attorney, (415) 864-8848, ext. 252, ekristen@las-elc.org

Shelley A. Gregory, staff attorney, (415) 864-8848, ext. 268, sgregory@las-elc.org

Transgender Employee Sues Burlington Coat Factory for Sexual Harassment

Supervisors watch passively as employee is groped by customers

San Francisco, February 24, 2009. In 2001, after working at Burlington Coat Factory's San Francisco store for five years, Steven Wicks-Perez made the brave decision to undergo sex reassignment surgery and begin to transition from male to female. At the time, Ms. Perez, who has since changed her name to "Maya," believed her employer would be supportive of her decision.

"One of my supervisors kept encouraging me to transition," says Perez, "but then when I talked to senior Burlington management about it, I was told that it was wrong."

Throughout the next seven years, Burlington's management fostered an environment that was openly hostile to Ms. Perez. Her supervisors subjected her to graphic sexualized conversations; one supervisor presented her with pornography; co-workers grabbed and touched her breasts, buttocks, and genitals; and customers were allowed to physically and verbally assault her.

Despite numerous complaints from Ms. Perez, Burlington failed to intervene to end the inappropriate conduct. Managers and security personnel passively stood by and watched as customers groped and insulted Ms. Perez. Says Perez, "It seemed as if their attitude was that it was okay for me to be treated that way because I am a transgender person. No other employee was treated the way that I was."

Today, The Legal Aid Society – Employment Law Center (LAS-ELC) filed a complaint on behalf of Ms. Perez in San Francisco Superior Court, charging Burlington Coat Factory with sexual harassment and discrimination. Ms. Perez and her attorneys hope that this action against Burlington will help raise awareness both about the challenges faced by transgender individuals in the workplace and about employers' duties to prevent such abuse and protect their employees when it does occur.

“San Francisco is noted for its tolerance, yet Ms. Perez’s experience at Burlington Coat Factory shows that we still have work to do,” says Elizabeth Kristen, an attorney representing Ms. Perez in her action against Burlington. “A large percentage of transgender individuals living in the Bay Area have experienced harassment or discrimination in the workplace, which contributes to a high rate of unemployment among this population. It’s a serious problem that needs to be addressed.”

Accurate assessments of precisely how many transgender individuals have faced harassment or discrimination on the job are not readily available. Many transgender individuals refrain from disclosing information about their gender identity or transition out of fear that doing so will result in precisely the kind of treatment that Ms. Perez experienced. Consequently, collecting information from a representative sample of transgender employees can be difficult.

A 2006 survey conducted jointly by the San Francisco Bay Guardian and the Transgender Law Center provides a snapshot of the employment problems faced by transgender individuals living in the Bay Area. Of the 194 transgender individuals surveyed, over 24% had been sexually harassed at work and over 57% had experienced discrimination. Only 12% of these individuals, however, had filed an administrative or civil complaint about their workplace experiences.

In addition to concerns about negative repercussions at work, many transgender workers may fail to file discrimination claims because they are unaware that California’s workplace anti-discrimination law, the Fair Employment and Housing Act (FEHA), was expanded in 2004 to prohibit discrimination against employees based on their gender identity, even if it does not conform to their biological sex.

###

The Legal Aid Society-Employment Law Center, founded in 1916, protects the rights and economic self-sufficiency of low-income and disadvantaged workers and their families throughout the Bay Area, California, and nationwide. The LAS-ELC provides a continuum of direct services, educational materials, and technical assistance to other groups, and legal representation. Its services include free advice and referral on employment issues and specialized programs addressing racial equality; gender equity; issues particularly affecting immigrant workers, including national origin and language-based discrimination; disability rights; and issues affecting lesbian, gay, bisexual and transgender/LGBT workers.

The Legal Aid Society – Employment Law Center
600 Harrison Street, Suite 120

San Francisco, CA 94107

Phone: (415) 864-8848

Fax: (415) 864-8199

www.las-elc.org