

The U.S. Equal Employment Opportunity Commission

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DIAL ORDERED TO PAY MORE THAN \$3 MILLION IN EEOC SEX DISCRIMINATION CASE

52 Women Rejected for Armour Jobs Because of Strength Test To Receive Job Offers and Back Pay

FORT MADISON, IOWA -- A federal judge has ordered the Dial Corporation to pay over \$3 million to resolve a sex discrimination suit brought by the Equal Employment Opportunity Commission (EEOC) against The Dial Corporations Armour Star Meat Packing plant in Fort Madison, Iowa.

Chief Judge Ronald E. Longstaff of U.S. District Court for the Southern District of Iowa entered a judgment today providing that 52 women who were rejected for entry-level production jobs because they had failed a strength test will be offered jobs at Dial and will share approximately \$3,390,000.

The EEOCs lawsuit, #3:02-CV-10109, filed in September 2002, claimed that Dials use of a strength test, which required the repeated lifting of 35 pounds to a height of 65 inches, discriminated against women, since only approximately 40% of female applicants passed the test, while virtually all male applicants passed the test. Although women had successfully performed the jobs in the sausage making department before the test was implemented in January 2000, Dial claimed that the test was necessary in order to reduce injuries.

The case was tried before a jury in August 2004, and the jury determined that Dials use of the test after April 2001 was intentionally discriminatory against women. On February 3, 2005, Judge Longstaff ruled that the test was also illegal under Title VII of the Civil Rights Act of 1964 because it had a disparate impact against female applicants and was not justified by Dials business necessity.

Each of the 52 discrimination victims has been made a job offer by Dial, and so far 14 have accepted those offers. Each of the 52 will receive back pay in amounts ranging from \$2,400 to \$164,500, depending on the length of time since the class member was rejected, and the amount she was able to earn at other jobs in the meantime. The judgment also provides that six of the class members will receive compensatory damages of \$5,000 each as determined by the jury, and that the 12 women who were rejected because of the test after the jurys verdict will receive an additional \$9,000 each.

The case was based on a charge of discrimination filed by Paula Liles in 2000. Liles alleged that she had successfully completed the seven-minute test, but was rejected because she had to, at times, stand on her tiptoes, and that she was told that she had failed because, at 5'2", she was too short.

Liles, who will receive \$112,250 under the judgment, said, "I have done physical labor all of my life, and I was able to perform the job at Dial. Dial was the highest paying employer in the area, and I felt that I was being rejected because of my sex and my height. I am happy that Dial will no longer be using the test."

Jean P. Kamp, Regional Attorney for the EEOCs Milwaukee District Office, which litigates the agencys employment discrimination cases in Iowa, Wisconsin and Minnesota, said, "We are very pleased with the result, which ends the use of a test which relies upon stereotypes rather than actual ability. These 52 women have performed heavy labor and were fully qualified for these jobs, but were rejected because of unwarranted fears that they would be injured. The EEOC will challenge and combat discrimination, whether intentional or not."

The Dial Corporation, headquartered in Scottsdale, Ariz., employs more than 2,300 people worldwide. It manufactures Armour and Armour Star meat products at its Fort Madison facility; it also makes Dial soap, Purex laundry detergent and other consumer products.

The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, race, color, religion, or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector; sections of the Civil Rights Act of 1991; and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments. Additional information about the EEOC is available its web site at www.eeoc.gov.

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