

Mary Mitchell

Mitchell: Caterpillar Inc. called out on alleged racial bias

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It is a moment of dread. You're in an important meeting, and nature calls.

But what happened next in this case made the situation humiliating, Seneca Johnson says.

Johnson is one of the plaintiffs in a federal discrimination suit filed last week against Caterpillar Inc., one of the state's largest employers, over something they say happened at its Aurora plant.

"The Facility Manager grabbed Johnson's arm and refused to allow him to go to the restroom, telling him, 'Sit down, you can wait,' " according to the lawsuit.

Beyond that, Johnson and the others who are suing — Cory Jones, Eddie Jones, Columbus McGrew and Derrick Moore — accuse managers at the Aurora facility of being allowed to discriminate, harass, and retaliate against black workers. And they say Caterpillar didn't respond to complaints about discriminatory behavior.

"What bothered me the most was that a grown man is told he cannot go to the bathroom," says attorney Linda Friedman of Stowell & Friedman, the law firm representing the plaintiffs. "It is very difficult to visualize a white man Seneca's age being told to sit down and hold it."

Caterpillar responded Friday with this statement:

"While we cannot comment on this specific complaint at this time, Caterpillar fosters an inclusive environment and treats people fairly and with respect. . . . Caterpillar does not tolerate actions that violate our code of conduct or the rights of our employees."

Caterpillar employs about 2,800 employees at the Aurora plant, where the lawsuit says African-Americans are underrepresented in the work force and in management.

Some recent employment discrimination cases have accused supervisors of using racial slurs or committing other blatant racist acts. But most of the complaints that people call me with are more nuanced, similar to those outlined in this lawsuit.

In one of the complaints in the suit, Cory Jones says a floor inspector made “offensive and threatening comments about African-Americans, including references to lynching and “Planet of the Apes.”

Another plaintiff, Eddie Jones, alleged that any “mistakes in the work area” were attributed to him and subjected him to “discriminatory disciplinary action.”

Friedman, whose firm has successfully represented female and African-American financial advisers in sexual harassment and racial discrimination cases against Merrill Lynch, says she decided to take on this case because she saw similarities.

“The stories are painfully similar, whether it’s people working in wealth management or factories,” she says. “At the core of the pain was the treatment. Everybody deserves to work in a place where they are treated with respect.”

Derrick Moore, who worked for Caterpillar from 2005 through 2013, says in the suit that that even after he passed a test to become the only African-American quality specialist/inspector, the company denied him the “resources and support” it gave to the non-African-American inspectors, such as “company phones, desks and computers.”

Still, it took “enormous courage” for these men to file this discrimination lawsuit because they have effectively put a scarlet letter on their resumes,” Friedman says.

“I really admire their willingness to do something to change the outcome, and they are doing it without somebody hurling the n-word,” she says.

Johnson is still working for the company. He was demoted after he filed a grievance over the restroom incident but has since been reinstated to his job.

“I hope that by filing this lawsuit, Caterpillar will judge African-Americans on our work — not by the color of our skin,” Johnson says.