



EEOC News

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AKAL SECURITY PAYS \$1.62 MILLION TO SETTLE EEOC CLASS PREGNANCY DISCRIMINATION CLAIMS

Federal Security Contractor Forced Pregnant Women From Their Jobs, Agency Charged

KANSAS CITY – Akal Security, Inc., the largest provider of contract security services to the federal government, will pay \$1.62 million to a class of 26 female security guards, settling a pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC, in 2004 New Mexico-based Akal began a nationwide pattern and practice of forcing its pregnant employees, working as contract security guards on U.S. Army bases, to take leave and discharging them because of pregnancy. The women worked at Fort Riley, Hood, Stewart, Campbell, Lewis, Anniston, Sunny Point and Blue Grass Army Depot. Akal also subjected the women to less favorable terms and conditions of employment because of pregnancy, including preventing them from completing their annual physical agility and firearms tests or forcing them to take such tests before their certifications had expired. Akal also retaliated against an employee who complained about the discrimination by filing baseless criminal charges against her, the EEOC said.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, which prohibits gender discrimination in employment, including pregnancy discrimination. The EEOC filed suit against Akal in 2008 in U.S. District Court for the District of Kansas (U.S. EEOC v. Akal Security, Inc., Case No. 08-1274-JTM-KMH) after first attempting to reach a pre-litigation settlement through its conciliation process. Eleven of the class members were also individually represented by Forrest Rhodes and Don Berner of Foulston Siefkin, LLP, Wichita, Kan. According to its website, www.akalsecurity.com, Akal is one of the largest contract security companies in the United States and operates in 40 states and 20 countries.

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“This is a very important settlement that will help protect an entire class of women from discrimination on account of pregnancy,” said EEOC Chair Jacqueline A. Berrien. “This agreement reinforces the EEOC’s commitment to securing fair and equal treatment for all women in the work place.”

In addition to the monetary relief, the two-year consent decree settling the suit requires Akal to:

- Report to the EEOC about any employees who are required to take a leave of absence while pregnant, are terminated while pregnant, or make a complaint of pregnancy discrimination;
- Report to the EEOC about any physical agility test it intends to implement to screen or requalify employees and whether pregnant employees are permitted to take the test;
- Issue a message from its CEO to all employees along with a well-defined, comprehensive anti-discrimination policy; and
- Provide annual compliance training to managers and supervisors on the requirements of the Pregnancy Discrimination Act.

“Akal operated its business without regard to federal law,” said Barbara Seely, regional attorney for the EEOC’s St. Louis District Office, whose jurisdiction includes Kansas. “Employees who become pregnant and can continue to perform their jobs should not be pushed out of traditionally male jobs just because they don’t fit the employer’s image. We are confident Akal now understands the price of allowing this type of illegal stereotyping to drive employment decisions, and that it will ensure pregnant employees are treated fairly going forward.”

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

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