

## **PRESS RELEASE**

### **EEOC COMPLAINT FILED ON BEHALF OF SEXUALLY HARASSED CONSTRUCTION WORKERS COMPLAINT CITES SYSTEMIC HARASSMENT ON TRADEOFF/GILBANE/RELATED JOBSITES**

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#### **FOR IMMEDIATE RELEASE**

New York City, December 15, 2017.....

Attorney Jason Solotaroff, today announced the filing of a Federal Equal Employment Opportunity Commission (EEOC) complaint on behalf of two female construction workers who were subjected to constant sexual harassment while working for Tradeoff Construction LLC on various construction sites throughout New York City.

#### **Jason Solotaroff, partner in the law firm Giskan Solotaroff & Anderson -LLP, said:**

"In the last few months, many famous and powerful men have been called to account for their egregious sexual harassment and sexual assault. But sexual harassment and assault does not happen only among the rich and powerful. If anything, mistreatment of women is far more prevalent when the victims/survivors are not famous, are low paid and unrepresented. Nowhere is this more true than in the construction industry where sexual harassment of women is so prevalent that perpetrators have no fear of consequences and victims/survivors having no hope of redress."

#### **One of the women, Ashley Foster, on whose behalf the EEOC complaint has been filed, said:**

"Every morning I get up and go to work in order to support and provide for myself and my family. I'm not rich or famous. While working for Tradeoff Construction I was constantly subjected to sexual harassment, ranging from demeaning comments, to inappropriate propositions for sex. It was common knowledge that in order to secure pay increases, steady work hours and future work, women were expected to sleep with their supervisors."

#### **Solotaroff added:**

"Ashley Foster's experience is common -- with her workdays consisting of routine and constant offensive comments and gestures along with periodic episodes of even more egregious acts of sexual misconduct and quid pro quo harassment. By speaking out and filing her complaint against not only Tradeoff, her direct employer, but also contractors like Gilbane and developers like Related that control the jobsites, Ms. Foster hopes to ensure a safe and dignified work experience for her and the other women employed in construction."

continued,

**Foster added:**

"The harassment I experienced while working at 55 Hudson Yards was the worst. In addition to the constant verbal harassment, one day a deputy foreman actually texted me an unsolicited picture of his penis. There was no one to turn to for help."

**Charlene Obernauer, executive director of New York Committee for Occupational Safety & Health (NYCOSH) said:**

"The United States is facing an epidemic of sexual harassment against women in all industries, and construction is no exception, with the second-highest rate of sexual harassment complaints among all jobs. Sexual harassment on non-union job sites in particular is rampant, because women are less likely to report when they're harassed on the job and often fear retaliation by their employer. We need to stand with the brave women who have come forward today and demand that these companies are held accountable – and we need to pass proactive legislation that will increase oversight in this industry."

**Manhattan Borough President Gale A. Brewer said:**

"Construction jobs are crucial to the continued success of New York and an important path to the middle class, and everyone who can do the work should have the opportunity they deserve for a career in this field just like any other, regardless of gender. Our national reckoning over sexual harassment is beginning to awaken more people to a reality too many women have known for ages: workplace inequality doesn't end with pay discrimination or hiring discrimination. Harassment isn't a mere interpersonal problem, it's an unfair barrier creating hostile, untenable work environments and keeping women from the jobs, promotions, and careers they deserve."

**New York City Councilmember Carlos Menchaca said:**

"Sexual harassment is as unacceptable in the construction industry as it is in Hollywood or the halls of Congress. No one should ever be subject to inappropriate sexualized behavior, harassment or assault in the workplace. Mutual respect and decency require special vigilance for workers who lack the means to seek help. I commend the brave women who have brought legal action to fight construction industry sexual harassment."

continued,

**Kathleen Culhane, president of NEW- Nontraditional Employment for Women said:**

"At Nontraditional Employment for Women (NEW), our mission is to transform the lives of women through a union construction career. We, along with our partners in the union construction trades, are committed to ensuring that tradeswomen are successful and treated with respect. We believe in the power of women to change not only their own lives, but the lives of their families and future generations. We know the benefit of a union construction career for women, and we are here to help make that a reality."

**New York City Councilmember Laurie Cumbo said:**

"As chair of the Committee on Women's Issues and co-chair of the Women's Caucus, I am proud of our city's progress to increase the number of women in nontraditional careers within the construction industry. Job security and promotions should be based on merit and not coerced acts. In the aftermath of the #metoo movement, we stand in solidarity with the courageous women who came forward and reaffirm our commitment to end gender-based discrimination and sexual harassment in the workplace, which is bad business that affects our city's workforce and bottom line."

Giskan Solotaroff & Anderson -LLP (GSA) has filed separate complaints at the Equal Employment Opportunity Commission ("EEOC") for Ms. Foster and another woman employed by Tradeoff, Tierra Williams. Ms. Foster's complaint names as respondents Tradeoff and its affiliated entities as well as Gilbane Building Company and the Related Companies, the general contractor and developer, respectively, of the Hudson Yards project. Both Gilbane and Related exercised control over employees at Hudson Yards and should be held responsible for sexual harassment that occurred there. The complaint for Ms. Williams, who worked on another Related project identifies as Respondents Tradeoff and its affiliated entities and Related. GSA is confident that the EEOC investigation will result in findings of discrimination and harassment and legal action against Tradeoff, Gilbane and Related.

**Solotaroff concluded:**

"Every day we hear that our country may be at a turning point in our society and culture as it relates to women and sexual harassment in the workplace. But we will never truly reach that turning point and begin to make progress to an equal, harassment-free work place until we recognize the true extent of the problem and make a social commitment that every woman, no matter her social, economic or political standing can get up every day and go to work and be assured of a safe, respectful work environment. Today we take that first step in that long overdue journey. "

**Attached are copies of the signed EEOC complaints.**

END

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☐

FEPA

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EEOC

CHARGE NUMBER

New York State Division of Human Rights

and EEOC

State or local Agency, if any

NAME(Indicate Mr., Ms., Mrs.)

Tierra Williams

HOME TELEPHONE (Include Area Code)

646 403-0450

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

7/8/89

3211 Avenue I Apt 5S Brooklyn NY 11210

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Construction Realty Services Group  
Trade Off LLC  
Trade Off Plus LLC  
Related Companies

NUMBER OF EMPLOYEES, MEMBERS

Over 100

Over 100

Over 100

Over 500

TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

68 Whitehall Street Lynbrook NY 11563 (for Construction Realty Services Group, Trade Off LLC and Trade Off Plus LLC; 60 Columbus Circle, NY NY 10023 (for Related Companies)

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

AGE

☒

RETALIATION

☐

NATIONAL

☐

DISABILITY

☐

OTHER (Specify)

ORIGIN

DATE DISCRIMINATION TOOK PLACE EARLIEST  
(ADEA/EPA) LATEST (ALL)

August 8, 2017

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See attached statement



NOTARY - (When necessary for State and Local Requirements)

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

12/8/17

Charging Party (Signature)

*[Handwritten Signature]*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

# CHARGE OF DISCRIMINATION

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AGENCY

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FEPA

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EEOC

CHARGE NUMBER

New York State Division of Human Rights

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ashley Foster

HOME TELEPHONE (Include Area Code)

347 702 7878

STREET ADDRESS

CITY, STATE AND ZIP CODE

2007 Surf Avenue  
Brooklyn NY 11224

DATE OF BIRTH

7/7/90

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Construction Realty Services Group  
Trade Off LLC  
Trade Off Plus LLC  
Gilbane Building Company  
Related Companies

NUMBER OF EMPLOYEES, MEMBERS

Over 100  
Over 100  
Over 100  
Over 500  
Over 500

TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

68 Whitehall Street Lynbrook NY 11563 (for Construction Realty Services Group, Trade Off LLC and Trade Off Plus LLC; 88 Pine Street, 27<sup>th</sup> Floor NY NY 10005 for Gilbane Building Company; 60 Columbus Circle, NY NY 10023 (for Related Companies)

COUNTY

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

AGE

☒

RETALIATION

☐

NATIONAL

☐

DISABILITY

☐

OTHER (Specify)

ORIGIN

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)

August 4, 2017

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See attached statement

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
NEW YORK DISTRICT OFFICE

DEC 11 2017

DATE RECEIVED

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date 12-8-2017

Charging Party (Signature)

Ashley Foster

NOTARY - (When necessary for State or Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

## **STATEMENT OF ASHLEY FOSTER**

1. I am 27 years old and live in Coney Island, Brooklyn.
2. I have worked at Respondent Trade Off Construction LLC ("Trade Off") or Respondent Trade Off Plus LLC ("Trade Off Plus") since 2013.
3. Trade Off and Trade Off Plus ("collectively Trade Off") are divisions of Respondent Construction Realty Services Group ("CRSG"). To my knowledge, Trade Off, Trade Off Plus and CRSG have common ownership and directors, share management and human resources services, share payroll and insurance programs, have common employees and managers and share office space. Indeed, Trade Off and Trade Off Plus employees are covered under benefit plans in the name of CRSG.
4. Among the projects I worked on as a Trade Off employee are:
  - a. 60 Furman Street
  - b. North End
  - c. South Fifth Street and Broadway
  - d. 80 West End
  - e. 20 East End
  - f. 37th and Broadway
  - g. 23rd and Broadway for a few months in 2014
  - h. 507 West 28th Street
  - i. 68 Charlton Street for about a year in 2015
  - j. 1 Wall Street from March 2016 to December 2016
  - k. 55 Hudson Yards from March to August 2017
5. I, and other female employees of Trade Off and Trade Off Plus, experienced daily

sexual harassment on the job. Consistently, male employees of our companies as well as employees of other contractors would, among other acts of sexual harassment, comment on our appearance, suggest that we should not be working but rather staying at home cooking or having babies, and/or sexually proposition us.

6. Trade Off managers observed, failed to prevent, and participated in this harassment. Indeed, as set forth below, Trade Off managers were among the worst offenders, using their power over me and other female employees to harass us and to attempt to obtain sexual favors from us.

7. For example, Earl Williams, the former general foreman for Trade Off, supervised me at the Long Island City project. Williams regularly implied I could advance at Trade Off by having sex with him. For example, on one occasion, Williams pulled me off of a project at lunch to assist with business at a bank. When I joked with Williams that he should give me some of the cash he was depositing, Williams responded by stating that I would be taken care of financially if I would have sex with him but instead “all you want to do is work.”

8. The worst of this harassment was at 55 Hudson Yards. Respondent Gilbane Building Company (“Gilbane”), the General Contractor, and Respondent Related Companies (“Related”), the developer of the project, exercised an extreme degree of control over all employees on the job site. Gilbane and Related set out detailed rules for all employees to follow and required all new employees on the job site to attend a three hour orientation meeting. Yet neither Gilbane nor Related made any effort to prevent or remedy sexual harassment on the 55 Hudson Yards site. Although the orientation addressed many requirements and prohibitions for working on the site, there was no prohibition of sexual harassment and no discussion of procedures to make a sexual harassment complaint.

9. Within the first week of being assigned to 55 Hudson Yards in March of 2017, I realized that LaTroy Pollard, the Trade Off foreman, awarded easier work assignments and raises in exchange for sexual favors. I knew that Pollard and another female Trade Off worker were in a sexual relationship. This relationship was common knowledge on the jobsite and early in my time at 55 Hudson Yards I walked in on them kissing in the shanty. I observed that Pollard awarded this worker pay raises and easier work assignments.

10. Pollard and his cousin Albert Thomas, the deputy foreman, regularly harassed me. From the day Pollard was hired, before he was appointed foreman, he would always make sexually inappropriate comments to me. At 55 Hudson Yards, every morning when I came to work Thomas would make sexual comments to me, like "What's up with that? Meow."

11. On one occasion Thomas text messaged me an unsolicited picture of his penis.

12. On multiple occasions Pollard, unsolicited and without my consent, exposed his penis to me at 55 Hudson Yards. On one occasion, we were wrapping up for the day and leaving the job site. I returned to the work area, either because I thought the lights were still on or because tools were left out that needed to be stored for the night. Pollard was in the room and exposed his penis to me. I left the area.

13. On a second occasion, I texted Pollard to let him know I needed to leave work early to attend to my sister who has stage four breast cancer. I finished the work I needed to get done before lunch and Pollard asked me to see him in the shanty before I left. When I entered the shanty, Pollard exposed his penis to me.

14. In August 2017, I missed the next day of work because of my sister's illness and failed to notify Trade Off. Pollard terminated my employment even though male employees regularly missed work without notifying the company and suffered no consequences. Pollard and



I exchanged words about my termination. Although I admitted it was a mistake to miss a day of work without calling out, I also commented that he had also made mistakes in his sexual harassment of me at the jobsite. When I came to collect my things from the job site that n day, Pollard told me he had changed his mind about firing me and suggested I come back to work at 55 Hudson Yards. Pollard pressured me to go talk with him in the shanty, where he had previously made sexual advances toward me, and I refused to go with him. I was not interested in the offer because I was tired of the way he treated me and the constant sexual harassment I faced at 55 Hudson Yards.

15. That same day I spoke with Jason Abadie, the Vice President of Operations at Trade Off. I apologized again about missing the day of work and shared with him the sexual harassment I had endured at the jobsite for the last several months. Mr. Abadie promised to investigate the situation and referred me to another job site for work. I have since followed up with Mr. Abadie on the status of this investigation, but he never updated me.

## **STATEMENT OF TIERRA WILLIAMS**

1. I am 28 years old and live in Brooklyn.
2. I have worked at Respondent Trade Off Construction LLC ("Trade Off") or Respondent Trade Off Plus LLC ("Trade Off Plus") from November 18, 2015 until August 10, 2017.
3. Trade Off and Trade Off Plus ("collectively Trade Off") are divisions of Respondent Construction Realty Services Group ("CRSG"). To my knowledge, Trade Off, Trade Off Plus and CRSG have common ownership and directors, share management and human resources services, share payroll and insurance programs, have common employees and managers and share office space. Indeed, Trade Off and Trade Off Plus employees are covered under benefit plans in the name of CRSG.
4. Among the projects I worked on as a Trade Off employee are: 68 Charlton Street, 1 Wall Street and 520 West 30<sup>th</sup> Street. I worked at 520 West 30<sup>th</sup> Street, which is a project controlled by Respondent Related Companies ("Related") from November 2016 to August 2017. Respondent Related controlled many aspects of work on the site by setting and enforcing safety and substance abuse rules. Related did not, however, prohibit sexual harassment on the site or provide any process for employees on the site to raise sexual harassment complaints.
5. Female employees of Trade Off and Trade Off Plus, including myself, experienced regular sexual harassment on the job. Male workers, both employed by Trade Off and other contractors would regularly make statements about our physical appearance, about how they would like to have sex with us, that we did not belong on a construction site as well as a wide variety of other sexist and harassing comments.
6. Trade Off managers observed, failed to prevent, and participated in this

harassment. Indeed, as set forth below, Trade Off managers were among the worst offenders, using their power over me and other female employees to harass us and to attempt to obtain sexual favors from us.

7. On the 520 West 30<sup>th</sup> Street job, there was a Trade Off supervisor named Tony who severely harassed me. Tony would constantly stare at me in a menacing manner, especially when I was coming and out of the bathroom. When I asked him to stop doing that, he responded, "Bitch I do what the fuck I want to. I don't know who you think you're talking to. I don't think you know who I am."

8. At the 68 Charlton Street site, another Trade Off supervisor named Varshawn constantly harassed me verbally using sexually lewd language. In one altercation, Vashawn pushed me and said "F U Bitch" and then threatened to beat me up. Varshawn also exploited his position of power by harassing other female coworkers.

9. Other female coworkers have been taken off jobs or lost over-time for refusing to sleep with supervisors.

10. On Tuesday, August 8<sup>th</sup> 2017 I spoke to Justin Hagenoff, a Trade Off supervisor, about the sexual harassment I experienced at 520 W 30<sup>th</sup> Street. Hagenoff was unresponsive to my complaints, but he said I was a good worker. Two days later, Hagenoff informed me I was fired. Hagenoff said that the decision was made by the higher-ups because I was "insubordinate" and "time-stealing." I believe I was fired, because I spoke up as a woman about sexual harassment and discrimination at the jobsite.