

Case Study – Margarita Flores

Margarita Flores is an undocumented Spanish speaking woman from Mexico who has worked since 2012 for a plant nursery, Flower Power, Inc. (FP) in rural Pennsylvania. The CEO of FP is Steven Hawthorne. Hawthorne speaks English only, but almost all of his staff are Spanish speakers who are limited English proficient. Hawthorne's on-site supervisor is Jesus, a bilingual man.

The only other major employer in the area is another plant nursery run by some good friends of Hawthorne.

When Margarita began working at FP, she was a high school student. She has worked there full time since graduating. She has never worked anywhere else. She earns slightly above the minimum wage. Margarita mother and husband also work at FP. Margarita has two minor children from a previous marriage. Margarita is a domestic violence survivor. She suffers from depression and anxiety. Her employer provided insurance allows her to see mental health providers.

In 2015, Margarita's direct supervisor, Jesus, began sexually harassing her on a near daily basis. He asked her about her sex life. He often touched her on the buttocks. Once, he forcibly kissed her on the mouth. When the harassment first began, Margarita told her then-partner about it; he blamed Margarita for the harassment became more physically abusive toward her.

Margarita made it clear to Jesus that his conduct toward her was unwelcome, but did not complain to anyone about the behavior; the company policy indicated that complaints about discrimination should be made to the employee's supervisor or to Hawthorne. Margarita saw that Jesus harassed many other women at work as well.

In 2016, one of Margarita's co-workers, Sonia, filed a charge with the EEOC alleging that she and other women were harassed by Jesus. The EEOC began an investigation and the investigator, a bilingual man, interviewed many women workers, including Margarita, at FP's worksite. The EEOC investigator asked the workers he interviewed about their immigration status. The EEOC made a determination that Flower Power was liable for unlawful sexual harassment, and attempted to resolve the case with Flower Power through its internal conciliation process. The conciliation was unsuccessful. The EEOC then filed a lawsuit in court against Flower Power, naming Margarita and ten other women as victims of sexual harassment in the complaint. The complaint included detailed facts about the sexual harassment Margarita and the other women endured. The EEOC did not notify Margarita or any of the other women, other than Sonia, that it would be naming them in the publicly filed complaint.