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MEDIA RELEASE

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EEOC FILES SEX DISCRIMINATION LAWSUIT AGAINST GOLD'S GYM IN OREM

Lawsuit Alleges Gold's Gym Sexually Harassed Female Workers and Demoted Pregnant Worker
Female Employees Told to "Show More Cleavage"

SALT LAKE CITY -- The U.S. Equal Employment Opportunity Commission (EEOC) announced today that it has filed a lawsuit in federal court in Salt Lake City against Body Firm Aerobics, Inc. doing business as Gold's Gym for allegedly subjecting female workers to a sexually hostile work environment, retaliating against an employee when she complained of the sexual harassment and discriminating against another female employee because she was pregnant.

In its complaint, *EEOC v Body Firm Aerobics, Inc*, Case No. 2:03CV00846 JTG, filed in U.S. District Court for the District of Utah, the EEOC alleges that Gold's Gym, a health club, sexually harassed Andrea Liender and other female employees at its Orem, Utah, location. The harassment included referring to the women as "little girl" and other demeaning or vulgar terms, making provocative comments about their clothing, telling employees they should wear more revealing clothing to make more sales ("show more cleavage") and making sexual comments about female employees' and customers' bodies. When Ms. Liender complained, the suit alleges that she was retaliated against and had no choice but to resign, which constitutes a constructive discharge.

The suit also alleges that another female employee was discriminated against because she was pregnant. When this employee announced she was pregnant, she was demoted, moved to a position out of the public eye and her hours and pay were cut. She also was constructively discharged.

Such conduct is illegal under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment and pregnancy) or national origin and protects employees who complain about such offenses from retaliation.

"Women have the right to work in an environment free from sexual harassment. Undervaluing women in the workplace injures everyone. When employers treat women as sexual objects in the workplace, they run the risk of violating federal anti- discrimination laws." said Mary Jo O'Neill, Regional Attorney for the EEOC's Phoenix District Office. "By filing lawsuits to enforce Title VII, the EEOC is continuing its strong commitment to end such gender discrimination. This case is the fourth employment discrimination case we have pending in federal court in Utah."

The EEOC is seeking relief for Liender and the class, including appropriate back wages, pre-judgment interest, as well as compensatory and punitive damages under Title VII. The Commission is also seeking to provide appropriate affirmative relief necessary to eradicate the effects of the discrimination, such as an injunction against sex discrimination and any other curative relief to prevent any continuation of the alleged discriminatory practices.

"Our investigation showed that this employer allowed a manager to engage in frequent and pervasive sexual harassment against female employees, including Andrea Liender. We also found that once Ms. Liender complained about the sexual harassment, Gold's Gym retaliated against her by finding fault with her work and telling other employees to stay away from her. " said Charles Burtner, the EEOC's Phoenix District Director. "Our investigation also discovered that Gold's Gym discriminated against at least one pregnant woman. We found that she was demoted, hidden from public view, and had her pay and hours cut, once she announced she was pregnant. "

Sally Shanley, the EEOC Trial Attorney added, "The retaliation in this case is especially troubling. Retaliating against an employee for reporting discrimination, whether sexual harassment or pregnancy discrimination is as unlawful as the discrimination itself."

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; the Equal Pay Act of 1963, which prohibits unequal wages between sexes; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's Web site at www.eeoc.gov.

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