

I, Paula Fortes, the Complainant, identify as a heterosexual, Black Cape Verdean woman. I believe that I was discriminated against by Eastern Fisheries, Inc. ("Eastern Fisheries") and B.J.'s Service Co., Inc. ("B.J.'s") (collectively, the "Companies") on the basis of gender, sexual orientation, race, color and national origin. This is in violation of M.G.L. c. 151B Section 4 Paragraph 1 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e.

1. From approximately 2016 to September 2021, I was employed by B.J.'s, a temp employment agency. On or about April 27, 2017, B.J.'s placed me at Eastern Fisheries as a fish cleaner. I remained at Eastern Fisheries until September 19, 2021.
2. Approximately two weeks after starting my placement at Eastern Fisheries, I was asked to do custodial work in addition to my fish-cleaning duties. The additional custodial work tasks included cleaning, arranging, preparing all the gear and supplies for the workers, and cleaning the bathrooms and food halls.
3. Approximately two months later, in July 2017, Eastern Fisheries permanently transitioned my role to a maintenance worker.
4. Throughout my employment, both Eastern Fisheries and B.J.'s had the authority to hire and fire me.
5. Throughout my employment, both Eastern Fisheries and B.J.'s maintained my employee records.
6. Throughout my employment, both Eastern Fisheries and B.J.'s determined my wages and B.J.'s provided me with my pay.
7. Throughout my employment, Eastern Fisheries controlled my work schedule and work conditions, including my duties.
8. Eastern Fisheries employs hundreds of employees who are predominantly male and Latinx. In fact, throughout my employment, I was one of only four Black workers (*i.e.*, two Cape Verdean men and one other Cape Verdean woman) in my section. By the end of my employment, there was only one other Black Cape Verdean worker.
9. From my first day of work at the Companies and throughout my employment, several of my colleagues regularly uttered sexual innuendos and disparaging remarks about my body and hair, and about my race, national origin, and perceived sexual orientation.
10. For example, several male workers made vulgar comments about me having big buttocks, and they stuck their tongues out at me saying "quiero ese culo" ("I want that ass").
11. Throughout my employment, female workers made inappropriate comments about my body and touched me without my consent. For example, many female workers

- touched, squeezed, and/or slapped my buttocks as I walked by. This happened many times, from different female workers. They justified their behavior by saying, “quería ver si eran de verdad” (“I wanted to check if they were real”). Many of these female workers would also touch my waist area without my consent in order to see if I was wearing a “faja” (waist-trainer).
12. Throughout my employment, several male workers would attempt to ask me out on dates. When I would refuse, they would reply: “Eso es porque te gustan las mujeres” (“That’s because you like women”), or “que desperdicio de mujer” (“what a waste of a woman”). These men included “Tino” (known nickname) Last Name Unknown (“LNU”), Geronimo LNU, and Jose Garcia (“Mr. Garcia”).
 13. Throughout my employment, several female employees would also make comments about my hair. For example, Lucy LNU would make racially disparaging statements such as, “pelo de escoba” (“broom hair”) and other demeaning comments about my appearance as a Black woman. These statements, I believe, were in response to the texture of my hair, which is associated with my race.
 14. Other workers, such as Geronimo Lucas, made repeated comments about my racial background. For example, he often said to me, “Tú no tienes piel negra como los Cape Verdianos” (“You don’t have dark skin like Cape Verdeans”). These statements, I believe, were directly related to assumptions about Black people and Cape Verdeans.
 15. One of the female workers who continuously participated in the harassment was Ruth Castro (“Ms. Castro”). From approximately mid-2018 up until I resigned from my position, Ms. Castro repeatedly made disparaging comments about my perceived sexual orientation and gender, including “te gustan las mujeres” (“you like women”) and “eres medio macho” (an insult that translates roughly to “you are manly”). I believe these statements were about my perceived sexual orientation in response to the fact that I have short hair and an athletic build.
 16. My first attempt at addressing this relentless harassment was approximately three months after I started working at the Companies, in or around August 2017. I spoke directly with my supervisor at Eastern Fisheries, Tom LNU (“Tom”), and I told him about the sexual innuendos, disparaging remarks, and unwanted touching, and let him know the names of the specific individuals who were involved. Tom stated he would speak to the workers involved. My colleagues’ behavior, however, continued unaddressed.
 17. As the harassment persisted, I continued to verbally report additional incidents of harassment to Tom. Many times, Tom minimized the severity of the harassment by stating that it was not that serious because people were joking and “acting like children.”

18. Throughout my employment, in both the women's and men's bathrooms, workers intentionally left their waste on the floor so I would be forced to clean it up. This included dirty toilet paper, tissue from bloody noses, and soiled toilet paper from women who were menstruating. At that time—up until the COVID-19 pandemic when Tom placed another person to help clean— I was the only one who cleaned the bathrooms. I understood this behavior to be because the Latinx workers did not want me there because they blamed me for having made complaints to management.
19. In or around December 2018, I made a complaint to Tom regarding workers leaving feces on the bathroom floor and defacing bathroom signs, specifically a suggestive drawing in the male bathroom depicting a woman with her legs open and my name under it. Upon seeing how upset I was, Tom involved Amy LNU (“Amy”), who was the Human Resources officer at Eastern Fisheries. That same week, Amy held a staff meeting instructing all workers to cease their harassment. She told the staff, “We are a family, we should behave like a family.”
20. However, no workers were disciplined for their harassing conduct. I believe my colleagues interpreted the lack of discipline as tacit approval from management. The harassment continued on a regular basis after this meeting.
21. Several of the workers often said to me, “a ti te gusta ir de llorona con el jefe” (“you like to cry to the boss”) or called me “llorona” (“crybaby”).
22. In or around summer 2019, I had a meeting with my supervisor, Tom and Amy to request that I be placed back on the fish-cleaning team. Among other reasons for requesting this placement, I believed that this would help stop the harassment I was experiencing. My request was denied.
23. That same day, I expressed to Tom that I did not want to return to work due to the harassment as it was deteriorating my mental health. Tom apologized, said he understood, and promised to address the harassing behaviors. However, at no point was anything done to remedy the situation.
24. In or around December 2019, when the end-of-the-year bonus checks were distributed, I overheard Joseph Furtado, Eastern Fisheries’ Executive Vice President, refer to me as a troublemaker. I believed this was due to the complaints I made to Tom regarding the harassment I was experiencing.
25. On multiple occasions, one of my colleagues, Mr. Garcia, would touch my buttocks as I walked by him. For example, in or around July 2021, I was forced to walk by Mr. Garcia when organizing the storage closet and he said to me, “Un dia voy a tener dinero y voy a comprar tu culo” (“One day I will have money to buy that ass”).
26. As the harassment continued regularly, approximately at the end of July 2021, I informed Tom that if he did not do something, I would talk to the B.J.’s Human Resources person. Tom responded, “Don’t threaten me! Who do you think you are?”

I perceived this as Tom being upset by the idea of people beyond his control—both at Eastern Fisheries and at BJs—learning about the problems going on under his watch. Nothing resulted from my exchange with Tom to address my colleagues’ harassment.

27. Prior to July 2021, to my knowledge, there was no B.J.’s Onsite Coordinator at Eastern Fisheries. In July 2021, I learned Hermene Sucuqui was B.J.’s Onsite Coordinator. In or around August 11, 2021, in addition to Tom, I reported Mr. Garcia to Mr. Sucuqui, the B.J.’s Onsite Coordinator, due to sexual harassment.
28. The Companies terminated Mr. Garcia shortly after. However, they took no action against the many other workers who had engaged in sexual or identity-based harassment against me.
29. My colleagues’ harassment continued until my resignation in September 2021. For example, in or around the end of August 2021, while I was going to the bathroom, two workers, who I understood to be Ms. Castro and Estela Perez, turned the lights off on me, laughed when I asked them to turn them back on, and left me in the dark. I complained to Tom about this, although he dismissed it and, like prior times, did not do anything about it.
30. Due to the harassment I was experiencing, I intentionally isolated myself at work, avoiding all interactions with others unless it was required. These incidents and the Companies’ inaction weighed heavily on me, such that every morning before reporting to work, I experienced immense anxiety.
31. Due to my work-related stress, from approximately July 2021 to present, my primary care physician has prescribed me anti-depression medications, and I have participated in counseling. However, the unaddressed harassment I experienced while working at the Companies continues to disturb every part of my life to date.
32. Throughout my employment, I reported the harassment to my supervisor, Tom, and to HR representative, Amy. At no point during my time at the Companies did the harassment from my colleagues cease.
33. Due to the incessant harassment based on my gender, perceived sexual orientation, race, color, and national origin, and the detrimental effect it had on my mental health, I was forced to resign from my employment on September 19, 2021.

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.