

Arab-American drivers accuse FedEx bosses of discrimination

4 say they were also ridiculed

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By David Abel, Globe Staff | July 17, 2007

Four Arab-American drivers who said they were harassed by their supervisors at a FedEx Corp. facility in Wilmington have filed a lawsuit alleging they were subjected to a steady flow of vitriol and discrimination.

In a lawsuit the plaintiffs' lawyer said was served on FedEx yesterday, the drivers said managers called them terrorists, asked them if they were sending money to Osama bin Laden, made a call to the FBI that prompted one of them to be questioned, and restricted their delivery routes.

"FedEx has abdicated its responsibility of employers to make sure that their drivers are not discriminated against," said Shannon Liss-Riordan, a Boston lawyer representing the men. "This is a particularly egregious example of an employer abdicating its responsibility. . . . They [the Arab-American employees] all came to this country because they wanted a better life for their families, and this is what they got."

FedEx spokesman Maury Lane has declined to comment on the specific allegations in the lawsuit.

"The company has a zero tolerance policy on this kind of behavior," Lane said in a recent interview. "If this behavior is reported or seen, we will immediately investigate and terminate any employee at any level guilty of these actions. These contractors are our lifeline to our customers. We wouldn't do anything to jeopardize those working relationships."

In a complaint filed in July 2006 with the Massachusetts Commission Against Discrimination, Loay el-Dagany, from Kuwait, said his supervisor, David Goyette, repeatedly called him a terrorist and threw packages at him.

Goyette also asked Dagany if he was planning to send money to bin Laden or Al Qaeda, Dagany said. After Dagany complained about route changes, Goyette told him not to lose it and "blow up my car," according to the complaint.

In a phone interview, Dagany, 32, said the treatment made him so sick he developed a rash.

"We were treated as less than human beings," said Dagany, who has worked for FedEx since 2003. "I really just want people to know that in a big company like this, where a lot of foreigners work, people shouldn't be treated that way."

Lane said Goyette no longer works at FedEx. He would not say under what terms he left the company. Goyette could not be reached. Michael Melnyk, the other supervisor named in the suit, still works for the company. He also could not be reached.

FedEx has argued that the plaintiffs, who worked for the company's ground package division, were independent contractors and ineligible for protection under state antidiscrimination laws.

In March, the Massachusetts Commission Against Discrimination ruled the employees' complaints were valid, clearing the way for the drivers to pursue their case. They are seeking punitive damages similar to a discrimination case filed last year by drivers of Lebanese descent in California, where a jury awarded \$61 million to two FedEx employees who contended that a manager had harassed them with racial slurs. A judge later reduced the judgment to \$12.5 million. (FedEx, which has 275,000 employees and contractors, earned \$35 billion in revenues in fiscal 2007.)

The lawsuit filed June 29 in Middlesex Superior Court says Dagany, Montaser Foad Harara, who is of Palestinian descent, Oukhayi Ibrahim of Morocco, and Yasir Sati from Sudan experienced a "pervasive hostile work environment and have been treated differently and less favorably than non-Arab, non-Muslim drivers in the terms and conditions of their employment."

The suit adds that the men were involuntarily transferred to an office comprised mainly of minorities, had their routes

made less profitable, and were subject to religious and ethnic slurs. ■

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