

Racial Harassment Rampant At Tesla Plant, Calif. Agency Says

By **Abby Wargo**

Law360 (February 10, 2022, 7:18 PM EST) -- Anti-Black harassment was pervasive at a Tesla factory in Fremont that white workers called "the plantation," where slurs, insults and hateful graffiti were commonplace and workers were segregated by race, a California agency said in an explosive new lawsuit.



The California Department of Fair Employment and Housing alleges that Tesla's Fremont facility is racially segregated, and that white workers refer to it as "the slave ship" or "the plantation" due to the way Black workers are treated. (AP Photo/Ben Margot)

The California Department of Fair Employment and Housing's state court complaint against Tesla, filed Wednesday and obtained by Law360 Thursday, said the company allowed racial discrimination to occur unchecked at its factory in Fremont.

The lawsuit said racism manifested in numerous ways at the factory, with Black workers being subjected to verbal abuse, given physically hard work, denied promotions and underpaid relative to their white peers.

"Even after years of complaints, Tesla has continued to deflect and evade responsibility. While it claims to not tolerate racial harassment or discrimination at its factories, Tesla's investigations of complaints are not compliant with law," the DFEH's lawsuit said.

Tesla said the suit's filing was imminent in a U.S. Securities and Exchange Commission filing Monday, and disclosed in a blog post Wednesday that the DFEH had been investigating the allegations for three years after it received nearly 50 requests to do so.

Tesla said in the post that it does not allow discriminatory treatment at its factory, but DFEH said in its lawsuit that Tesla "turns a blind eye" to complaints about racist working conditions.

The Fremont factory is racially segregated, and white workers refer to it as "the slave ship" or "the plantation" due to the way Black workers are treated, the DFEH said.

The DFEH alleged that Black workers heard racist comments from workers and supervisors all day, every day at the Fremont factory, including the n-word. Black workers reported their managers referring to them as "stupid n—s" and "monkeys" as well as complaining about the amount of Black employees.

Black workers were often assigned to the most physically demanding jobs at the factory compared with white workers who were given less physical labor to do, the agency said.

Black employees also found racist graffiti, including confederate flags, swastikas and nooses, written all over the place and even etched into machinery, according to the complaint. The graffiti was left up for months, even though it was in plain sight of supervisors, the DFEH said.

White workers would often taunt Black workers with racial slurs and bait them into physical confrontations where the Black employees were then disciplined for being aggressive or threatening, according to the complaint.

Black workers at Tesla were also disciplined more harshly than white workers, and were more quickly written up or fired for smaller infractions, according to the complaint. Those disciplinary measures then in turn affected the Black workers' ability to get promotions, the DFEH said. When Black workers took their complaints to their supervisors, they were either ignored or not believed.

Black Tesla workers were denied promotions much more frequently than non-Black workers, according to the complaint, and were "severely under-represented" at the managerial and executive level. Black workers were also denied bonuses and raises and were even demoted due to their race, the agency alleged.

The extent of the racial harassment at the Fremont factory led many Black workers to resign, according to the agency.

"After receiving hundreds of complaints from workers, DFEH found evidence that Tesla's Fremont factory is a racially segregated workplace where Black workers are subjected to racial slurs and discriminated against in job assignments, discipline, pay and promotion, creating a hostile work environment," Kevin Kish, director of DFEH, said in a statement Thursday.

A spokesperson for Tesla did not respond to a request for comment Thursday.

The DFEH is represented in-house by Siri Thanasombat, Janette L. Wipper and Alexis McKenna.

Counsel information for Tesla was not immediately available Thursday.

The case is Department of Fair Employment and Housing v. Tesla Inc. et al., case number 22CV006830, in California Superior Court for Alameda County.

--Editing by Leah Bennett.