

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

THE PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL, Attorney General of
the State of Illinois,

Plaintiffs,

v.

VEE PAK, LLC d/b/a VOYANT BEAUTY, a
Delaware limited liability company,.

Defendants.

Case No. 2020CH05504

10199075

COMPLAINT

Plaintiff, the People of the State of Illinois (“Plaintiff”), by and through their attorney, Kwame Raoul, Attorney General of the State of Illinois, bring this complaint against Vee Pak, LLC d/b/a Voyant Beauty (“Voyant”)

I. OVERVIEW OF CLAIMS

1. Voyant operates a beauty product packaging facility in Countryside, Illinois (“Countryside Facility”). Until recently, Voyant used Alternative Staffing, Inc., (“ASI”) a temporary staffing agency, to provide laborers for the Countryside Facility. For years, female laborers assigned to Voyant’s Countryside Facility by ASI have experienced sexual harassment. Female laborers have had to endure groping, lewd comments about their bodies, inappropriate stares, and sexually suggestive sounds from the male mechanics employed by Voyant. The sexual harassment at the Countryside Facility has been persistent and pervasive.

2. Faced with years of sexual harassment and inaction in response to their complaints, laborers complained to Voyant and ASI as an organized group. On July 8, 2019, a group of laborers at the Countryside Facility submitted a petition (“Petition”) with fifty signatures

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to managers for Voyant and ASI, objecting to “Voyant Beauty employees touching us in our private parts, making obscene comments and gestures, and creating a hostile work environment which is toxic and extraordinarily traumatic.” After managers for Voyant and ASI failed to remedy the concerns raised by the Petition, another group of laborers assigned to the Countryside Facility staged a protest against sexual harassment on July 24, 2019. The protest was covered by Univision’s local television news program.

3. Voyant and ASI responded to these protests with an aggressive campaign of retaliation against the laborers involved in them. After working steady overtime schedules at Voyant for many years, temporary laborers at Voyant suddenly found their schedules reduced to 40 hours per week or less. One laborer had her assignment terminated the day after the Petition was delivered for refusing to work in the same line where one of the accused harassers worked. The laborers who led the protest on July 24, 2019 also had their assignments terminated a week after the protest.

4. Following the terminations, in early August 2019, several laborers filed charges with the National Labor Relations Board and the Equal Employment Opportunity Commission. On August 6, 2019, the Office of the Attorney General of Illinois served subpoenas on Voyant and ASI relating to sexual harassment and retaliation at the Countryside Facility. Faced with investigation from multiple federal and state agencies, Voyant eventually allowed the laborers whose assignments they terminated to return to work at the Countryside Facility.

5. Plaintiff brings this complaint against Voyant for violations of the Illinois Human Rights Act, 755 ILCS 5/1-101, *et seq.* (“Act”). Plaintiff seeks civil penalties and injunctive relief to end the sexual harassment and retaliation occurring at Voyant’s Countryside Facility.

II. JURISDICTION AND VENUE

6. This action is brought pursuant to Section 10-104 of the Act and seeks injunctive relief

and civil penalties for violations of Sections 2-102(A), (B), (D) of the Act. 775 ILCS 5/10- 104; 775 ILCS 5/2-102(A), (B), (D).

7. This Court has jurisdiction over Plaintiff’s claims because Defendants committed the violations complained of herein in Cook County, Illinois, and Defendants conduct and transact business within Cook County. 735 ILCS 5/2-209(a)(1); 735 ILCS 5/2-209(b)(4).

8. Venue is proper in this judicial district because Defendants’ maintain facilities in Cook County, and the events giving rise to Plaintiff’s claims occurred in Cook County. 735 ILCS 5/2-101.

III. PARTIES

9. Plaintiff brings this action by and through Kwame Raoul, Attorney General of the State of Illinois, as authorized pursuant to Section 10-104(A)(1) of the Act and to enforce the public policy of the State of Illinois. 775 ILCS 5/1-102(A), (B); 775 ILCS 5/10-104(A)(1).

10. At all times relevant to this complaint, Vee Pak, LLC (d/b/a Voyant Beauty) has:
- a. been a limited liability company organized under the laws of Delaware and authorized to conduct business in Illinois;
 - b. conducted business in Illinois and within Cook County;
 - c. been an “employer” as defined by 775 ILCS 5/2-101(B)(1)(a); and
 - d. employed more than 15 employees in Illinois during 20 or more calendar weeks within the relevant time period.

IV. FACTUAL ALLEGATIONS

11. At all times relevant to this complaint and during the five years preceding the filing of this lawsuit, Voyant has operated the Countryside Facility, located at 5331 Dansher Road, Countryside, Illinois. The Countryside Facility packages beauty products, including, but not limited to, shampoos and lotions, for Voyant’s various clients.

12. Voyant is heavily reliant on staffing agencies like ASI for laborers to package beauty products. Each day scores of laborers stand along multiple packaging lines at Voyant and package beauty products. Packaging lines are predominantly staffed by female laborers. Several of these lines have very limited space for anyone to walk in-between the laborers performing their packaging work and the immediately adjacent line.

13. ASI is a staffing agency that provides laborers to work in facilities of ASI's clients. Voyant was a client of ASI through approximately the end of May 2020. At all times relevant to this complaint, ASI provided laborers for Voyant's Countryside Facility.

14. Voyant managers and supervisors exercised substantial control over the laborers assigned to work at the Countryside Facility through ASI. For example:

- a. Voyant supervised and directed the work of laborers from ASI;
- b. Voyant had authority, and regularly exercised its authority, over which laborers from ASI were assigned to Voyant, and which laborers kept their assignments to Voyant; and
- c. Voyant had control over the work schedules of laborers assigned through ASI.

15. Voyant and ASI were joint employers of the laborers assigned by ASI to work at the Countryside Facility.

16. Voyant employs several mechanics at the Countryside Facility. The mechanics' duties include maintaining and repairing the machines in the lines where laborers work.

17. During the relevant time period, multiple male mechanics employed by Voyant have repeatedly sexually harassed female laborers at Voyant.

18. The sexual harassment that Voyant's mechanics have engaged in has included, but has not been limited to:

- a. making lewd comments about female laborers' bodies;
- b. staring at female laborers in a sexually suggestive manner while making lewd sounds;
- c. walking behind female laborers while they are packaging on their lines and pressing their groin against female laborers' buttocks; and
- d. otherwise offensively touching female laborers without their consent.

19. During the time period relevant to this complaint, Voyant managers were aware of the sexual harassment occurring at the Countryside Facility.

20. Multiple laborers complained to Voyant's managers and supervisors, as well as ASI supervisors, at Voyant's Countryside Facility after experiencing or witnessing sexual Harassment by Voyant's mechanics, but Voyant and ASI managers took little or no action to remedy the harassment.

21. On various occasions, multiple female laborers at the Countryside Facility made specific complaints to Voyant supervisors about a male mechanic whose name is Paul, but whose last name is presently unknown to Plaintiff.

22. In addition, on multiple occasions, multiple female laborers at the Countryside Facility also made specific complaints to Voyant supervisors about a male mechanic whose name is Jerry, but whose last name is presently unknown to Plaintiff.

23. On or about July 8, 2019, a group of laborers at the Countryside Facility organized a protest and submitted a letter petition ("Petition") to Medrick Rainbow, General Manager for Voyant's Countryside Facility; Bill Smith, Chief Operating Officer for Voyant; and Kyle Carstensen, President of ASI (*See* Petition delivered to Voyant and ASI managers on July 8, 2019 attached as Exhibit A).

24. Over fifty laborers at the Countryside Facility, many of whom were assigned to the

Countryside Facility through ASI, signed the Petition.

25. The Petition detailed sexual harassment and other grievances with the workplace environment at the Countryside Facility.

26. Regarding sexual harassment, the Petition stated in pertinent part: “We women have endured Voyant Beauty employees touching us in our private parts, making obscene comments and gestures, and creating a hostile work environment which is toxic and extraordinarily traumatic.”

27. On or about July 10, managers from both Voyant and ASI met with a group of laborers to discuss the sexual harassment occurring. Several of the laborers participating in the July 10, 2019 meeting had been assigned to the Countryside Facility through ASI. During this meeting, multiple laborers described incidents of sexual harassment at the Countryside Facility to the managers from Voyant and ASI.

28. Approximately one week after the Petition was submitted, Voyant and ASI began to take retaliatory action against laborers who had complained about sexual harassment.

29. This retaliatory action included reducing the work hours of laborers assigned to the Countryside Facility. Beginning in approximately the week of July 15, 2019, laborers whose work schedules had consistently included significant overtime hours for several years suddenly saw their hours reduced to 40 hours or less per week.

30. The intent of Voyant’s decision to cut laborers’ hours was to signal to all laborers working at Voyant that the reduction of hours was a consequence of certain laborers’ complaining about working conditions, including sexual harassment, at the Countryside Facility.

31. In addition to taking retaliatory action, Voyant and ASI failed to take adequate steps to stop the sexual harassment that had been reported in the Petition and at the July 10 and July 12, 2019 meetings.

32. For instance, Voyant continued to allow mechanics to walk in the tight space between female laborers and each packaging line to reach machines requiring maintenance. Multiple female laborers had complained that male mechanics had used the tight quarters as a pretext for pressing themselves against female laborers' buttocks. Such complaints against Voyant mechanics continued in the weeks following the laborers' protests.

33. On or about July 24, 2019, a group of laborers again complained about Voyant's tolerance of sexual harassment at the Countryside Facility by staging a protest outside the facility. The protest was covered by a local television news program on Univision, a Spanish-language television network.¹ (See screenshots of protest attached as Exhibit B.)

34. On or about July 24, 2019, following the second protest, laborers met with ASI managers to express their feelings that their concerns over sexual harassment and other problems at Voyant's Countryside Facility were not being addressed.

35. Following the July 24, 2019 protest, Voyant and ASI escalated their retaliation against laborers who had participated in the protest or who had otherwise complained about sexual harassment.

36. For example, on or about July 29, 2019, at the direction of Voyant, ASI suspended Noemi Garcia. The suspension occurred after Ms. Garcia had complained about sexual harassment by Jerry, one of Voyant's mechanics at the Countryside Facility. Ms. Garcia had complained to managers for Voyant and ASI on or about July 17, 2019, and then again on July 26, 2019. She was suspended only three days after her second complaint.

37. Approximately between July 31, 2019, and August 1, 2019, managers from Voyant and ASI, including Voyant's Medrick Rainbow and ASI's Kyle Carstensen, met with nine ASI laborers who participated in the July 24, 2019 protest. At these meetings, Voyant and ASI managers informed seven of the nine ASI laborers that their assignment to Voyant would be

terminated.

¹ Coverage of the July 24, 2019 protest is available at: <https://www.univision.com/local/chicago-wgbo/trabajadoras-latinas-protestan-por-ser-agredidas-sexualmente-en-su-trabajo-y-reclaman-mejor-condiciones-laborales?%3Fq%3D=&fbclid=IwAR0ICA14cxjmbDZcrJ0-n3LQL7t9IY6NicvP-tk1XQTjmypgfaXgnrqewzE> (last visited ***, 2019).

38. In early August 2019, most of the ASI laborers terminated from Voyant for complaining about sexual harassment and other issues at the Countryside Facility filed charges with the National Labor Relations Board and the Equal Employment Opportunity Commission.

39. On August 6, 2019, the Office of the Attorney General notified Voyant and ASI that it was investigating these alleged violations of the Illinois Human Rights Act by issuing subpoenas to Voyant and ASI.

40. Facing investigation from multiple state and federal agencies, Voyant and ASI allowed some of the ASI laborers they had terminated to return to the Countryside Facility in mid-August 2019. Over the course of the remaining months in 2019, the remainder of ASI laborers whose assignments to Voyant were terminated were allowed to return to Voyant.

41. Notwithstanding the return of these laborers to the Countryside Facility, the retaliation against laborers by Voyant and ASI did not cease. For example, several of the laborers that were terminated by Voyant and ASI were not restored to their former duties and positions. Instead, they were regularly shifted to different packaging lines and positions throughout the week.

42. Voyant has also failed to institute policies, practices, and trainings that are sufficient to address the sexual harassment and retaliation that has occurred at the Countryside Facility.

43. Plaintiff seeks penalties and permanent injunctive relief to stop the sexual harassment and retaliation occurring at the Countryside Facility.

COUNT I
Sexual Harassment in Violation of 775 ILCS 5/2-102(D)
against Defendant Voyant

44. The People restate and re-allege Paragraphs 1 through 44 of this complaint as though fully set forth herein.

45. Section 2-101(E) of the Act makes it a civil rights violation for “any employer... to engage in sexual harassment.”

46. At all times relevant to this Complaint, Voyant qualified as an “employer” under the Act, defined in relevant part as “any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon . . . sexual harassment.” 775 ILCS 5/2-101(B)(1)(b).

47. Voyant engaged in a pattern and practice of sexual harassment against female laborers at its Countryside Facility.

48. As a direct and proximate result of Voyant’s conduct and omissions, Voyant engaged in a pattern and practice of sexual harassment of female laborers and permitted and enabled a hostile, offensive, and undesirable working environment in violation of Section 2- 102(D) of the Act.

WHEREFORE, Plaintiff, the People of the State of Illinois prays that this Honorable Court:

- a. Enjoin Voyant from engaging in sexual harassment;
- b. Order Voyant to cease all retaliatory conduct against laborers that complained about sexual harassment;
- c. Order Voyant to adopt workplace anti-harassment policies, practices, and training to prevent sexual harassment, retaliation, and discrimination in employment; and
- d. Order Voyant to submit to monitoring of its processing of work-related complaints, including record-keeping, investigations, and resolutions to mitigate the effects of Voyant’s retaliation

- e. Assess civil penalties against Voyant pursuant to Section 10-104(B) of the Act in the amount of \$10,000 for each violation of the Act.

COUNT II
Retaliation in Violation of 775 ILCS 5/6-101(A)
against Defendant Voyant

49. The People restate and re-allege Paragraphs 1 through 57 of this Complaint as though fully set forth herein.

50. Section 6-101(A) of the Act makes it a civil rights violation to retaliate or to conspire to “retaliate against a person because he or she has opposed that which or she reasonably and in good faith believes to be unlawful discrimination or sexual harassment in employment[.]”

51. At all times relevant to this Complaint, Voyant qualified as an “employer” under the Act, defined in relevant part as “any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon . . . sexual harassment.” 775 ILCS 5/2-101(B)(1)(b).

52. Voyant engaged in a pattern and practice of retaliation against laborers at its Countryside Facility who complained about sexual harassment.

WHEREFORE, Plaintiff, the People of the State of Illinois prays that this Honorable Court:

- a. Enjoin Voyant from engaging in sexual harassment;
- b. Order Voyant to cease all retaliatory conduct against laborers that complained about sexual harassment;
- c. Order Voyant to adopt workplace anti-harassment policies, practices, and training to prevent sexual harassment, retaliation, and discrimination in employment; and
- d. Order Voyant to submit to monitoring of its processing of work-related complaints, including record-keeping, investigations, and resolutions to mitigate the effects of

Voyant's retaliation.

- e. Assess civil penalties against Voyant pursuant to Section 10-104(B) of the Act in the amount of \$10,000 for each violation of the Act.

THE PEOPLE OF THE STATE OF ILLINOIS,

By and through,

Kwame Raoul,
Attorney General of the State of Illinois

Dated: August 24, 2020

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