

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<p>WHITNEY SYKES, on behalf of herself and other similarly situated female laborers,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>IFCO SYSTEMS US, INC. and MTIL, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.</p> <p>Judge</p> <p>Magistrate Judge</p>
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**CLASS ACTION COMPLAINT**

Plaintiff Whitney Sykes (Plaintiff’), on behalf of herself and all other similarly situated laborers, for her Complaint against IFCO Systems, US, Inc. (“IFCO”) and MTIL, Inc., (“MTIL”) (collectively “Defendants”), states as follows:

**I. INTRODUCTION**

1. This lawsuit arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”) for Defendants’ discrimination against female laborers in Defendants’ practices of filling work assignments at the IFCO warehouse. IFCO manufactures reusable plastic containers which it stores in its warehouse and utilizes temporary staffing agencies to fill positions such as production workers and forklift drivers. MTIL is one of several staffing agencies with which IFCO has contracted to provide laborers to fill those positions.

2. MTIL and other staffing agencies, including but not limited to Flexible Staffing Inc., (hereafter "Flexible"), Clearstaff, Inc., (hereafter "Clearstaff") and RCI US Corporation, (hereafter "RCI"), utilized by IFCO acted as the agent of IFCO and/or the joint employer with IFCO of laborers assigned to work at IFCO.

3. Plaintiff initially worked as a direct hire for IFCO between approximately

September 2012 and September 2013. Plaintiff continued to work at IFCO in 2014, 2015 and 2016 through staffing agencies, including Flexible Staffing, Clearstaff, RCI and MTIL, with some brief interruptions in her employment

4. Throughout Plaintiff's employment at the IFCO warehouse, Plaintiff and other similarly situated female laborers were restricted to certain assignments at the IFCO warehouse because of their gender, female.

5. Some of the positions for which Plaintiff and other similarly situated female laborers were not eligible were higher paying than other positions for which women were eligible.

6. For example, throughout Plaintiff's employment at the IFCO warehouse, Plaintiff and other similarly situated female employees were denied the opportunity to work as forklift drivers at the IFCO warehouse because of their gender, female.

7. The forklift driver position at IFCO paid higher wages and provided greater earning potential than other positions for which female laborers were eligible.

8. By maintaining a segregated production line at the IFCO warehouse and by limiting Plaintiff and other similarly situated individuals to a narrow set of positions at the IFCO warehouse for which female laborers were eligible, IFCO, directly and through its agents, including but not limited to MTIL, deprived Plaintiff and similarly situated female laborers of the opportunity to work at other available positions at the IFCO warehouse, including higher earning positions.

9. At all relevant times IFCO, directly and through its agents, including but not limited to MTIL, exercised control over Plaintiff's and similarly situated employees' employment and over the positions for which they and other female laborers at the IFCO warehouse were eligible.

10. Plaintiff will seek to certify a class pursuant to Fed. R. Civ. P. 23(a) and (b) to pursue her Title VII claims on behalf of herself and other similarly situated female laborers who worked or sought work at the IFCO warehouse and who, on one or more occasions were not assigned to work at the IFCO warehouse.

## II. JURISDICTION AND VENUE

11. This Court has jurisdiction over Plaintiffs' Title VII claim pursuant to 28 U.S.C. § 1331, arising under arising under 42 U.S.C. § 2000e, *et seq.*

12. Venue is proper in this judicial district as a substantial number of the facts and events giving rise to Plaintiff's claims occurred in this judicial district and as Defendants maintain offices and transact business within this jurisdiction.

13. On July 14, 2017, Plaintiff Whitney Sykes filed charges of discrimination against Defendants IFCO and MTIL, respectively. On March 6, 2018, the EEOC issued Notices of the Right to Sue to Plaintiff for both charges. Plaintiff's Notices of Right to Sue and EEOC charges are attached hereto as Exhibit A.

14. The case is timely filed.

## III. PARTIES

### A. Plaintiff

15. Plaintiff Whitney Sykes:

- a. is woman and resides in this judicial district;
- b. is and, at all relevant times, has been qualified to perform work at the IFCO warehouse, including but not limited to forklift driver;
- c. is and, at all relevant times, has been available for referral for employment to the IFCO warehouse;

- d. is and, at all relevant times, has been an “employee” of Defendant IFCO as that term is defined in 42 U.S.C. § 2000e(f); and
- e. is and, at all relevant times, has been an “employee” of Defendant MTIL as that term is defined in 42 U.S.C. § 2000e(f).

**B. Defendants**

16. Defendant IFCO:

- a. is a corporation organized under the laws of the State of Delaware;
- b. is located in and, at all relevant times, has conducted business in Illinois and within this judicial district; and
- c. is and, at all relevant times, has been a joint “employer” of Plaintiff as that term is defined in 42 U.S.C. § 2000e(b).

17. Defendant MTIL:

- a. is a corporation organized under the laws of the State of California;
- b. is located in and, at all relevant times, has conducted business in Illinois and within this judicial district; and
- c. is and, at all relevant times, has been an “employment agency” as that term is defined in 42 U.S.C. § 2000e(c).
- d. is and, at all relevant times, has been a day and temporary labor service agency as defined in the Illinois Day and Temporary Labor Services Act (“IDTLSA”), 820 ILCS 175/1 *et seq.*; and
- e. is and, at all relevant times, has been an “employer” of Plaintiff as that term is defined in 42 U.S.C. § 2000e(b).

#### IV. FACTUAL BACKGROUND

18. At all relevant times, from the period of three hundred days prior to the filing of Plaintiff's EEOC charge to the present, or from September 17, 2016, IFCO has been a provider of reusable plastic containers used primarily by growers and retailers to transport produce.

19. As IFCO has shed much of its direct-hire work force, it has become increasingly dependent on staffing agencies to fill its labor need at its warehouse in Bolingbrook, Illinois, including but not limited to Flexible Staffing, Clearstaff, RCI, and, most recently MTIL.

20. Plaintiff worked at IFCO as a direct hire between approximately September 2012 and September 2013.

21. Plaintiff continued to work at IFCO in 2014, 2015 and 2016 through staffing agencies, including Flexible Staffing, Clearstaff, RCI and MTIL, with some brief interruptions in her employment.

22. Other similarly situated female laborers originally employed by IFCO also continued to work at IFCO through the staffing agencies.

23. All equipment used at the IFCO warehouse is owned by IFCO.

24. At all relevant times, MTIL has acted as an agent of IFCO in recruiting, training, assigning and paying laborers to work at IFCO.

25. At all relevant times, female laborers and applicants for work at the IFCO warehouse have been predominantly restricted to available positions within the production line at IFCO.

26. Female laborers at the IFCO warehouse are predominantly concentrated in a single area of the production line at the IFCO warehouse were women clean trays in constantly wet conditions using cleaning chemicals provided by the IFCO warehouse.

27. At all relevant times, Plaintiff and other similarly situated female laborers have not been eligible for other positions at the IFCO warehouse, including higher earning positions.

28. By restricting female laborers to only certain assignments at the IFCO warehouse, Defendants have, at all relevant times, denied Plaintiff and other similarly situated female laborers the opportunity to work at other available positions at the IFCO warehouse, including higher earning positions, thereby depriving Plaintiff and those other similarly situated female laborers the opportunity to: work, work in higher paying positions and/or work under more favorable conditions at other available positions within the IFCO warehouse.

29. For example, the forklift driver positions at the IFCO warehouse are higher paying positions at the IFCO warehouse. Plaintiff and similarly situated female laborers were discouraged from applying for forklift driver positions, were not offered training to be forklift drivers, and were denied the opportunity to work as forklift drivers because of their gender.

30. Almost all forklift driver positions at the IFCO warehouse during the relevant time period have been occupied by men.

31. At all relevant times IFCO has exercised control over Plaintiff's and similarly situated employees' work, either directly or through one or more of IFCO's staffing agencies, including but not limited to MTIL, Flexible, Clearstaff, and RCI.

32. IFCO perpetuated the unlawful discriminatory policies described herein through third party staffing agencies like MTIL, Flexible, Clearstaff, and RCI.

33. MTIL and other staffing firms consult with IFCO in the making of assignments, including discriminatory assignments and setting of schedules for laborers at IFCO.

34. On information and belief, IFCO makes discriminatory requests for male laborers from the staffing agencies with which it contracts for laborers to fill certain positions at the warehouse.

## V. CLASS ACTION ALLEGATIONS

35. The Plaintiff's claims are susceptible to class certification pursuant to Rule 23(a) and (b)(3), Fed. R. Civ. P.

36. The Class is defined to include "All female laborers who sought work assignments at IFCO either directly or through one or more of IFCO's staffing agencies, including but not limited to MTIL, RCI, Clearstaff, and Flexible, and were eligible to work at IFCO at any time between September 16, 2016 and the date of judgment."

37. Certification of the class and subclasses pursuant to Rule 23(a) and (b)(3) is warranted because:

- a. This is an appropriate forum for these claims because, among other reasons, jurisdiction and venue are proper, and the Defendants are located in this judicial district.
- b. The class is so numerous that joinder of all members is impracticable. Defendant IFCO directly and as a joint employer with its staffing firms, employed hundreds or thousands of individuals, and restricted the jobs that hundreds or thousands of other individuals in the labor pool of its staffing firms were eligible for based on their gender from September 16, 2016 through the present.
- c. One or more questions of law or fact are common to the class, including:
  - (i) Whether IFCO and MTIL have engaged in a pattern or practice of denying work assignments to female laborers because of their gender;
  - (ii) Whether IFCO and MTIL engaged in intentional discrimination in the making of assignments of laborers to positions at IFCO;
  - (iii) Whether IFCO directed its staffing firms, including but not limited to MTIL, RCI, Flexible and Clearstaff, to refrain from assigning female laborers to work in certain positions at the IFCO warehouse;

- (iv) Whether the conduct complained of herein constitutes a violation of Title VII;
- (v) Whether injunctive relief is warranted against IFCO and MITL;
- d. Plaintiff will fairly and adequately represent and protect the interests of the Class members. Plaintiff's Counsel is competent and experienced in litigating discrimination and other employment class actions;
- e. The class representative and the members of the class have been subject to, and challenge, the same practices that are being challenged in this lawsuit;
- f. Issues common to the class predominate over issues unique to Plaintiff or individual class members and pursuit of the claims as a class action is superior to other available methods for the fair and efficient resolution of this controversy.
- g. Adjudication of these claims as a class action can be achieved in a manageable manner.

38. Pursuit of the claims set forth herein through a class action is an appropriate method for the fair and efficient adjudication of this lawsuit.

**COUNT I**  
**Violation of Title VII-Gender-based Discrimination-Disparate Treatment**  
**Plaintiff on behalf of herself and a class of similarly situated female laborers as against**  
**Defendants IFCO and MITL**  
*Class Action*

Plaintiff hereby incorporates and re-alleges paragraphs 1 through 38 as though set forth herein.

39. This Count arises under Title VII for Defendants IFCO and MITL's discriminatory practices in assigning laborers to work at the IFCO warehouse, described more



fully in paragraphs 18 – 34, *supra*, resulting in disparate treatment of Plaintiff and a class of female laborers.

40. As described more fully in paragraphs 18 – 34, *supra*, Defendants IFCO and MTIL engaged in a pattern and practice of intentional discrimination against Plaintiff based on her gender thereby violating Title VII.

41. As described more fully in paragraphs 18 – 34, *supra*, Defendants IFCO and MTIL engaged in a pattern and practice of intentional discrimination against other similarly situated female laborers based on their gender, thereby violating Title VII.

42. As a direct and proximate result of the above-alleged acts or omissions of Defendants IFCO and MTIL, Plaintiff and other similarly situated female laborers at the IFCO warehouse and applicants for work at the IFCO warehouse suffered damages of a pecuniary and non-pecuniary nature, humiliation, and degradation.

43. Defendants IFCO's and MTIL's conduct was willful and/or reckless, warranting the imposition of punitive damages.

WHEREFORE, Plaintiff and the Class respectfully pray that this Court:

- A. allow this action to proceed as a class action against Defendants IFCO and MTIL pursuant to Rule 23;
- B. enjoin Defendants IFCO and MTIL from continuing or permitting future violations of Title VII for gender discrimination against female laborers;
- C. enter a judgment in Plaintiff and the Class' favor and against Defendants IFCO and MTIL for back pay damages for Plaintiff and the Class in amounts to be determined at trial;
- D. for all reasonable attorney's fees and costs in bringing this action;
- E. for such other relief as this Court deems just and equitable.

**COUNT II**  
**Violation of Title VII-Gender-based Discrimination – Adverse Impact**  
**Plaintiff on behalf of herself and a class of similarly situated female laborers as against**  
**Defendants IFCO and MTIL**  
*Class Action*

Plaintiff hereby incorporates and re-alleges paragraphs 1 through 43 as though set forth herein.

44. This Count arises under Title VII for Defendants IFCO's and MTIL's policies and practices of assigning, either directly or through its requests for laborers from various staffing firms, almost exclusively male laborers to fill certain positions, as described more fully in paragraphs 18 – 34, *supra*, resulting in a significant adverse impact on Plaintiff and a class of female laborers.

45. Defendants IFCO's and MTIL's practice of assigning, either directly or through its requests for laborers from various staffing firms, almost exclusively male laborers to fill certain positions at the IFCO warehouse has caused a significant disparate impact on Plaintiff and other similarly situated female laborers in obtaining work assignments at IFCO .

46. As a direct and proximate result of the above-alleged acts or omissions of Defendants IFCO and MTIL, Plaintiff and other similarly situated female laborers suffered damages of a pecuniary and non-pecuniary nature, humiliation, and degradation.

WHEREFORE, Plaintiff and the Class respectfully pray that this Court:

- A. allow this action to proceed as a class action against Defendants IFCO and MTIL pursuant to Rule 23;
- B. enjoin Defendants IFCO and MTIL from continuing or permitting future violations of Title VII for gender discrimination against female laborers in the Class;
- C. enter a judgment in their favor and against Defendants IFCO and MTIL for back pay damages for Plaintiff and the Class in amounts to be determined at trial;
- D. for all reasonable attorney's fees and costs in bringing this action; and
- E. for such other relief as this Court deems just and equitable.

Dated: June 4, 2018

Respectfully submitted,

/s/Christopher J. Williams  
Christopher J. Williams (ARDC #6284262)  
Alvar Ayala (ARDC #6295810)  
Workers' Law Office, P.C.  
53 W. Jackson Blvd, Suite 701  
Chicago, Illinois 60604  
(312) 795-9121

Attorneys for Plaintiffs

The JS 44 civil cover sheet and the information contained hereon are to be used for supplementary filing only. Use of this cover sheet is required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

WHITNEY SYKES, on behalf of herself and other similarly situated female laborers,

(b) County of Residence of First Listed Plaintiff Cook (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Workers' Law Office, P.C. 53 W. Jackson Blvd. Ste. 701 Chicago IL 60604

DEFENDANTS

IFCO SYSTEMS US, INC. and MTIL, INC.,

County of Residence of First Listed Defendant

NOTE: In land condemnation cases, use the location of the tract of land involved.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Rights, Labor, and Social Security.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

42 U.S.C. § 2000e, et seq. ("Title VII")

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

IX. This case (check one box)

is not a refiling of a previously dismissed action

is a refiling of case number previously dismissed by Judge

Date

06/04/2018

Signature of Attorney of Record

s/ Christopher J. Williams

# **EXHIBIT A**

EEOC Form 161-B (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Whitney A. Sykes  
C/O Workers' Law Office, P.C  
53 W. Jackson Blvd, Suite 701  
Chicago, IL 60604

From: Chicago District Office  
500 West Madison St  
Suite 2000  
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2017-04946

Jerry Zhang,  
Investigator

(312) 869-8029

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

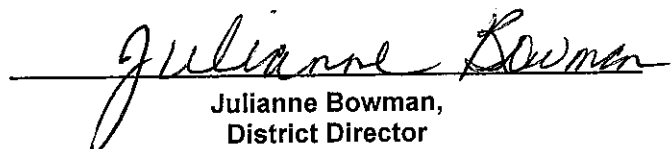
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

 3/6/18  
Julianne Bowman,  
District Director (Date Mailed)

Enclosures(s)

cc: IFCO SYSTEMS US, LLC  
c/o William Dunn  
Counsel  
5897 Windward Parkway  
Alpharetta, GA 30005

GM

<b>CHARGE OF DISCRIMINATION</b>	AGENCY	<b>CHARGE NUMBER</b>
This form is affected by the Privacy Act of 1974; See Privacy act statement before completing this form.	<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	440-2017-04946
<b>Illinois Department of Human Rights and EEOC</b> <i>State or local Agency, if any</i>		
NAME (Indicate Mr., Ms., Mrs.) <b>Ms. Whitney A. Sykes c/o Workers' Law Office PC</b>		HOME TELEPHONE (Include Area Code) <b>312-795-9121</b>
STREET ADDRESS <b>53 W. Jackson Blvd., Suite 701</b>		DATE OF BIRTH
CITY, STATE AND ZIP CODE <b>Chicago, IL 60604</b>		
NAME IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)		
NAME <b>IFCO SYSTEMS US, LLC.</b>	NUMBER OF EMPLOYEES, MEMBERS <b>+15</b>	TELEPHONE (Include Area Code): <b>630-226-0650</b>
STREET ADDRESS <b>400 W CROSSROADS PKWY</b>	CITY, STATE AND ZIP CODE <b>BOLINGBROOK, IL 60440</b>	COUNTY
NAME	NUMBER OF EMPLOYEES, MEMBERS:	TELEPHONE (Include Area Code)
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box (es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEAJEPA)      LATEST (ALL)
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN		AT LEAST 300 DAYS PRECEDING THE FILING OF THIS CHARGE THROUGH THE PRESENT
<input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER Pregnancy Act		
<input checked="" type="checkbox"/> CONTINUING ACTION		
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))		
See attached rider.		
<div style="border: 1px solid black; padding: 5px; transform: rotate(-5deg); display: inline-block;">                     RECEIVED EEOC                      JUL 14 2017                      CHICAGO DISTRICT OFFICE                 </div>		
[x] I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone Number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the foregoing is true and correct.	Notary (When necessary for state or local requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  SIGNATURE OF COMPLAINANT: _____ DATE: _____ Sworn to and subscribed before me on this _____ day of _____, 2017. My commission expires: _____ Notary Public	
Date: <u>7/13/17</u> Charging Party: <u>Whitney Sykes</u>		

*Whitney Sykes' Rider to EEOC Charge  
against MTIL  
July 14, 2016*

1. I, Whitney Sykes, am a female.
2. I worked as a forklift driver at the IFCO warehouse located at 400 W. Crossroads Pkwy, in Bolingbrook Illinois, (hereafter "the IFCO warehouse") from approximately 2013 through approximately mid October 2016.
3. MTIL acts or has acted as an agent, affiliated company and/or contracted staffing agency or third party logistics company of its client IFCO Systems US, Inc., (hereafter IFCO") and assigns laborers to IFCO to perform work.
4. I worked at the IFCO warehouse as a direct hire of IFCO and through IFCO's various contracted staffing agencies or third party logistics companies, including but not limited to MTIL, which provided services and acted as an agent of IFCO.
5. I was employed jointly by IFCO and its various contracted staffing agencies or third party logistics companies, including but not limited to MTIL, during the time that I worked at the IFCO warehouse.
6. I began working at the IFCO warehouse as a line laborer and was eventually allowed to work as a forklift driver.
7. Supervisors at IFCO opposed my promotion to forklift driver because of my gender.
8. I was qualified to perform my job as a forklift driver and performed my duties in a satisfactory manner.
9. Throughout the time I was employed at the IFCO warehouse, I was aware of only one other female that worked as a forklift driver at the IFCO Warehouse.
10. I worked as a forklift driver on third shift for several months before requesting a switch. I was informed by the second shift supervisor at IFCO that the only way he would agree to the switch in my shift is if I worked as a line worker again.
11. To accommodate my school life I had to agree to work as a line worker during second shift instead of a forklift driver.
12. After a few months working as a line worker again at the IFCO warehouse I had approximately a two month gap in my employment with IFCO.
13. After that two month gap, I returned to IFCO to work and was allowed to start working as a forklift driver.



14. In or about late September of early October of 2016, I was informed by IFCO and MTIL managers and supervisors that I did not belong on a forklift and would be switched from being a forklift driver to being a line worker.

15. I was initially told that I would be a line lead and would receive a raise in my pay accordingly. However I never received the promised raise.

16. As a result of IFCO and MTIL's discriminatory actions, I resigned my employment on or about mid-October, 2016. I was constructively discharged from the IFCO warehouse.

17. IFCO and MTIL have continued to assign non-female laborers who are no more qualified than me to be forklift drivers.

18. On information and belief, IFCO and MTIL have assigned non-female laborers who are no more qualified than other similarly situated female employees to be forklift drivers.

19. MITL has or has had a policy and/or practice of preferring non-female employees to work as forklift drivers at the IFCO warehouse.

20. The policies and practices of MTIL and/or IFCO have had the effect of denying me and a class of other, qualified female laborers an equal employment opportunity and resulted in systematic discrimination against female applicants and segregation of its workforce.

21. In the alternative, MTIL has or has had a policy and/or practice of complying with discriminatory requests for non-female laborers from several of its client companies.

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Whitney A. Sykes  
C/O Workers' Law Office, P.C  
53 W. Jackson Blvd, Suite 701  
Chicago, IL 60604

From: Chicago District Office  
500 West Madison St  
Suite 2000  
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
440-2017-04947	Jerry Zhang, Investigator	(312) 869-8029

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

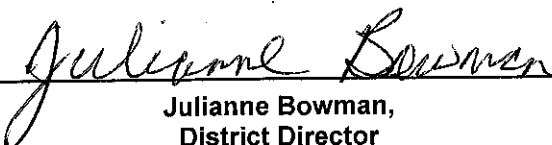
**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
Julianne Bowman,  
District Director

3/6/18  
(Date Mailed)

Enclosures(s)

cc: MTIL, INC.  
c/o Jennifer A. Murphy  
Wessels Sherman  
2035 Foxfield Rd.  
Suite 200  
Saint Charles, IL 60174

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p><small>This form is affected by the Privacy Act of 1974; See Privacy act statement before completing this form.</small></p>	<p style="text-align: center;">AGENCY</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p>	<p style="text-align: center;"><b>CHARGE NUMBER</b></p> <p style="font-size: 1.2em;">440-2017-04947</p>
<p><u>Illinois Department of Human Rights and EEOC</u> <i>State or local Agency, if any</i></p>		
<p>NAME <small>(Indicate Mr., Ms., Mrs.)</small> Ms. Whitney A. Sykes c/o Workers' Law Office PC</p>		<p>HOME TELEPHONE <small>(Include Area Code)</small> 312-795-9121</p>
<p>STREET ADDRESS 53 W. Jackson Blvd., Suite 701</p>		<p>DATE OF BIRTH</p>
<p>CITY, STATE AND ZIP CODE Chicago, IL 60604</p>		
<small>NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)</small>		
<p>NAME MTIL, INC.</p>	<p>NUMBER OF EMPLOYEES, MEMBERS +15</p>	<p>TELEPHONE <small>(Include Area Code):</small> 630-226-0650</p>
<p>STREET ADDRESS 400 W CROSSROADS PKWY</p>	<p>CITY, STATE AND ZIP CODE BOLINGBROOK, IL 60440</p>	<p>COUNTY</p>
<p>NAME</p>	<p>NUMBER OF EMPLOYEES, MEMBERS:</p>	<p>TELEPHONE <small>(Include Area Code)</small></p>
<p>STREET ADDRESS</p>	<p>CITY, STATE AND ZIP CODE</p>	<p>COUNTY</p>
<p>CAUSE OF DISCRIMINATION BASED ON <small>(Check appropriate box (es))</small></p> <p><input type="checkbox"/> RACE    <input type="checkbox"/> COLOR    <input checked="" type="checkbox"/> SEX    <input type="checkbox"/> RELIGION    <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input type="checkbox"/> RETALIATION    <input type="checkbox"/> AGE    <input type="checkbox"/> DISABILITY    <input type="checkbox"/> OTHER Pregnancy Act</p>		<p>DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEAJEPA)    LATEST (ALL)</p> <p>AT LEAST 300 DAYS PRECEDING THE FILING OF THIS CHARGE THROUGH THE PRESENT</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION</p>
<p>THE PARTICULARS ARE <small>(If additional space is needed, attach extra sheet(s))</small></p> <p style="font-size: 1.2em;">See attached rider.</p> <div style="text-align: right; margin-top: 20px;"> <p style="font-size: 1.5em; opacity: 0.5;">RECEIVED EEOC</p> <p style="font-size: 1.2em; opacity: 0.5;">JUL 14 2017</p> <p style="font-size: 1.2em; opacity: 0.5;">CHICAGO DISTRICT OFFICE</p> </div>		
<p><input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone Number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Date: <u>07/13/18</u> Charging Party: <u>Whitney A. Sykes</u></p>		<p><small>Notary (when necessary for state or local requirements)</small></p> <p><small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small></p> <p>SIGNATURE OF COMPLAINANT: _____ DATE: _____</p> <p><small>Scanned and submitted to the EEOC for an understanding of the public information and distribution policy.</small></p> <p><small>Workman's Compensation</small></p> <p><small>Notary Public</small></p>
<p>EEOC Form 5</p>		

*Whitney Sykes' Rider to EEOC Charge  
against MTIL  
July 14, 2016*

1. I, Whitney Sykes, am a female.
2. I worked as a forklift driver at the IFCO warehouse located at 400 W. Crossroads Pkwy, in Bolingbrook Illinois, (hereafter "the IFCO warehouse") from approximately 2013 through approximately mid October 2016.
3. MTIL acts or has acted as an agent, affiliated company and/or contracted staffing agency or third party logistics company of its client IFCO Systems US, Inc., (hereafter IFCO") and assigns laborers to IFCO to perform work.
4. I worked at the IFCO warehouse as a direct hire of IFCO and through MTIL, which provided services and acted as an agent of IFCO.
5. I was employed jointly by IFCO and MTIL during the time that I worked at the IFCO warehouse.
6. I began working at the IFCO warehouse as a line laborer and was eventually allowed to work as a forklift driver.
7. Supervisors at IFCO opposed my promotion to forklift driver because of my gender.
8. I was qualified to perform my job as a forklift driver and performed my duties in a satisfactory manner.
9. Throughout the time I was employed at the IFCO warehouse, I was aware of only one other female that worked as a forklift driver at the IFCO Warehouse.
10. I worked as a forklift driver on third shift for several months before requesting a switch. I was informed by the second shift supervisor at IFCO that the only way he would agree to the switch in my shift is if I worked as a line worker again.
11. To accommodate my school life I had to agree to work as a line worker during second shift instead of a forklift driver.
12. After a few months working as a line worker again at the IFCO warehouse through MTIL I had approximately a two month gap in my employment with IFCO.
13. After that two month gap, I returned to IFCO through MTIL to work and was allowed to start working as a forklift driver.
14. In or about late September of early October of 2016, I was informed by IFCO and MTIL managers and supervisors that I did not belong on a forklift and would be switched from being a forklift driver to being a line worker.

15. I was initially told that I would be a line lead and would receive a raise in my pay accordingly. However I never received the promised raise.

16. As a result of IFCO and MTIL's discriminatory actions, I resigned my employment on or about mid-October, 2016. I was constructively discharged from the IFCO warehouse.

17. IFCO and MTIL have continued to assign non-female laborers who are no more qualified than me to be forklift drivers.

18. On information and belief, IFCO and MTIL have assigned non-female laborers who are no more qualified than other similarly situated female employees to be forklift drivers.

19. MITL has or has had a policy and/or practice of preferring non-female employees to work as forklift drivers at the IFCO warehouse.

20. The policies and practices of MTIL and/or IFCO have had the effect of denying me and a class of other, qualified female laborers an equal employment opportunity and resulted in systematic discrimination against female applicants and segregation of its workforce.

21. In the alternative, MTIL has or has had a policy and/or practice of complying with discriminatory requests for non-female laborers from several of its client companies.

## **FILING SUIT IN COURT OF COMPETENT JURISDICTION**

### **PRIVATE SUIT RIGHTS**

The issuance of this *Notice of Right to Sue or Dismissal and Notice of Rights* ends the EEOC process with respect to your Charge. You may file a lawsuit against the Respondent within 90 days from the date you receive this Notice. Therefore, you should keep a record of the date. Once the 90 day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90 day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short Statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the Respondent has its main office.

You may contact the EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

**IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.**

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment of the American with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the American with Disabilities Act or the Equal Pay Act against a political subdivision of a State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of the U.S. District Courts, please see the reverse side.

### **ATTORNEY REPRESENTATION**

If you cannot afford an attorney, or have been unable to obtain an attorney to represent you, the court having jurisdiction in your case may assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well in advance of the 90 day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within the 90-day period.

### **DESTRUCTION OF FILE**

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your Charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

**IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.**



## INFORMATION ON WHERE TO FILE SUIT

You have been notified of your right to sue in Federal District Court. Suit is ordinarily filed in the District having jurisdiction of the county in which the employer, against whom you filed a Charge of employment discrimination, is located. The telephone number listed for each District is that of the Clerk of the Court.

<b>U.S. DISTRICT COURT</b> Northern District of Illinois <b>Eastern Division at Chicago</b> 219 South Dearborn Street Chicago, IL 60604 312-435-5670		<b>U.S. DISTRICT COURT</b> Central District of Illinois <b>Urbana Division</b> 201 South Vine Urbana, IL 61801 217-373-5830	
<b>Counties</b>		<b>Counties</b>	
Cook	Kendall	Champaign	Kankakee
DuPage	Lake	Coles	Macon
Grundy	LaSalle	Douglas	Moultrie
Kane	Will	Edgar	Piatt
		Ford	Vermillion
		Iroquois	
<b>U.S. DISTRICT COURT</b> Northern District of Illinois <b>Western Division at Rockford</b> 211 South Court Street Federal Building Rockford, IL 61101 815-987-4355		<b>Peoria Division</b> 100 N.E. Monroe Street 135 Federal Building Peoria, IL 61602 309-671-7117	
<b>Counties</b>		<b>Counties</b>	
Boone	McHenry	Bureau	McLean
Carroll	Ogle	Fulton	Peoria
DeKalb	Stephenson	Hancock	Putnam
JoDaviess	Whiteside	Knox	Stark
Lee	Winnebago	Livingston	Tazewell
		Marshall	Woodford
		McDonough	
<b>U.S. DISTRICT COURT</b> Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201 618-482-0671  <i>and</i> 301 Main Street Benton, IL 62812 618-438-0671		<b>Rock Island Division</b> 211 19 <sup>th</sup> Street Rock Island, IL 61201 309-793-5778	
<b>Counties</b>		<b>Counties</b>	
Alexander	Johnson	Henderson	Rock Island
Bond	Lawrence	Henry	Warren
Calhoun	Madison	Mercer	
Clark	Marion	<b>Springfield Division</b>	
Clinton	Monroe	600 East Monroe Street	
Crawford	Perry	Springfield, IL 62701	
Cumberland	Pope	217-492-4020	
Edwards	Pulaski	<b>Counties</b>	
Effingham	Randolph	Adams	Logan
Fayette	Richland	Brown	Macoupin
Franklin	St. Clair	Cass	Mason
Gallatin	Saline	Christian	Menard
Hamilton	Union	DeWitt	Montgomery
Hardin	Wabash	Green	Morgan
Jackson	Washington	Pike	Schuyler
Jasper	Wayne	Shelby	
Jefferson	White		
Jersey	Williamson		

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [IFCO Systems, MTIL Facing Class Action Lawsuit Over Alleged Gender Discrimination](#)

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