

March 6, 2023

Kevin Kish
Director
Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

Re: Summary of Allegations of Sexual Harassment

Dear Director Kish,

My name is Evelin Flores, and I am a woman from El Salvador. I started working at Flying Food Group (“FFG”) on October 4, 2022. Since my second day of work, I have been subjected to unwanted sexual behavior from my trainer—Manuel Avila. When I rejected Mr. Avila’s advances, he spread rumors that we had a sexual relationship and tried to interfere with my job. Although I have filed multiple complaints, the Company has not taken sufficient action to deter Mr. Avila, and he has continued to smear my reputation among my co-workers even after I reported him to the Company.

I am filing this charge under the Fair Employment and Housing Act because I believe that Mr. Avila and Flying Food Group have discriminated against me because of my gender.

a. My trainer at Flying Food Group repeatedly made unwanted sexual advances toward me

During my training period at FFG, I was repeatedly subjected to unwanted sexual conduct from Mr. Avila. I was hired as a cook in FFG’s hot kitchen and Mr. Avila—one of the four lead cooks in the kitchen—was assigned as my trainer. Mr. Avila was responsible for teaching me FFG’s recipes and was meant to serve as my point of contact for any questions I had on the job.

On the second day of my two-week training, Mr. Avila began to make sexualized comments towards me. First, he asked me where I was from. When I responded “El Salvador,” he said, “I thought you were Filipina ... you look like a Filipina employee I used to have a relationship with. I have a daughter with her.” I felt uncomfortable that Mr. Avila was comparing me to a former romantic interest, and I told him, “Are you seriously telling me this?”

Mr. Avila then proceeded to tell me he was previously wrongfully fired by FFG for allegedly changing the dates on certain produce, and claimed they “played him wrong, he didn’t do it.” Furthermore, he stated that after he was fired, the mother of his child started a relationship with someone else from FFG. I asked, “you can have romantic relationships with co-workers?” to which he responded, “yes, that’s normal here” and explained that he had slept with a supervisor’s family member.

Shortly thereafter, I informed Jorge Jacobo—a more senior cook at the hot kitchen—that I felt uncomfortable working with Mr. Avila. Mr. Jacobo suggested I refrain from going on breaks or having lunch with Mr. Avila. However, this was difficult as Mr. Avila would insist that I join him in the break room during our breaks. I felt obligated to join him because he was assigned as my trainer.

We were always alone during these breaks, and Mr. Avila would seize the opportunity to make inappropriate comments while we were working together. Once, during one of these exchanges, he whispered that a woman had called him and had waited for him at a hotel to have sex. He added that, in order to meet this woman, he had lied to his wife about having to work, had sexual intercourse with the woman at the hotel, and then returned to have sex with his wife.

Mr. Avila made sexual comments towards me every day of my training. During one break, for example, he told me that Salvadorean women are beautiful and that he had “been with a Salvadorean.” He also showed me images of women that he had had sexual intercourse with. I wanted Mr. Avila to stop, and during the second week of October, I told him: “Do I have something printed on my forehead that says I’m looking for a husband? I am not looking for a husband.” I hoped this comment would emphasize that I was not interested in a relationship with him.

At the end of the two-week training period, Mr. Avila asked me if anyone had asked me out on a date and whether anyone had flirted with me. He added that I was really pretty and that men have tactics on how to get women to sleep with them. He reacted further after he found out a cook in the kitchen had asked for my phone number. In front of me, Mr. Avila playfully hit the cook and said, “I told you not to mess with her.” I was disgusted and asked Mr. Avila why he was treating me like I was his property.

b. Mr. Avila attempted to interfere with my work after I refused his advances

After these encounters with Mr. Avila, I decided to stop going on breaks with him during the last week of October, once my training concluded. But after I stopped going on breaks with him, Mr. Avila’s attitude towards me changed. He began to interfere with my work.

For example, on November 6, 2022, Mr. Avila asked me to make a risotto, telling me that people from the airlines were coming to try it. While I was making the risotto, he screamed at me, saying that it needed to be particularly good as “people from Singapore are going to try the food.” The next day, I asked Mr. Avila when the Singaporean representatives would arrive because he had told me they were coming that day to try the food. Ultimately, no representatives came. I suspected Mr. Avila had fabricated the visit.

There was another incident on November 8, 2022. I had switched my days off to attend my son’s basketball game and had received permission from Richard, one of my supervisors. However, I received a call from Mr. Avila; he told me that Chef Atzucu, the head of the entire department, was angry with me because I was changing my off days. I informed Mr. Avila that it had been approved. Mr. Avila responded that he was going to talk to the chef and acted as though he was talking to the chef while on the phone with me. However, on the next day, when I

spoke to Chef Atzucu, she told me that she had not said anything to Mr. Avila. I was startled that Mr. Avila would fabricate this incident.

Around that time, I heard from co-workers that Mr. Avila was smearing my reputation at work. He had been bragging to them about sleeping with me and had told other employees that he had a nude photograph of me. All of this was, again, completely false. I was approached by Jorge Jacobo who asked me if I was sure I hadn't gone out with Mr. Avila. I became extremely upset at the thought that my co-workers would believe I had a sexual relationship with Mr. Avila.

On November 17, 2022, I went to Human Resources ("HR") for the first time to file a report against Mr. Avila. I was disturbed that Mr. Avila had been spreading false rumors about me and I was concerned he was trying to interfere with my work.

Only one day after I complained, my work assignment was changed repeatedly, which was extremely destabilizing for me, as each station uses different techniques and recipes. My station assignment was first changed on Friday, November 18, 2022. My station was changed again on Saturday, November 19th, and Sunday, November 20th. At one point, I was switched to a station where I did not even speak the same language as the cook working there.

I was so overwhelmed by all the changes that I called out sick on Wednesday, November 23rd due to the stress. The next day, my supervisor claimed I had been a no-call-no-show, which was not true. Although I cleared up that issue with my supervisor, I was deeply concerned that these changes had occurred after I filed a complaint with Human Resources.

FFG has continued to change my station; on February 1, 2023, I was re-assigned to work the India flight. A supervisor told me I had been reassigned because Mr. Avila had reported I did not have enough work at the Special Meals station. Because of this reassignment, I have had to learn an entirely new set of recipes.

c. Flying Food Group's response was not reasonably calculated to address the harassment

On December 14, 2022, I received the Company's response to my complaint. I was told that "appropriate action has been taken to ensure that such conduct does not repeat itself." Mr. Avila was issued a verbal warning on December 1, 2022 and was required to complete a mandatory harassment training by December 9, 2022.

The Company had determined that Mr. Avila had used "inappropriate, aggressive, and disrespectful" language towards me, in violation of "work rules prohibiting rude behavior." During the investigation, Mr. Avila denied the allegations, claiming that I was mad because I wanted him to do my work. But another witness, Jorge Jacobo, told HR that Mr. Avila was "always talking really bad about wom[e]n. He is always saying things like I fucked these bitches. She was this, she was that and smelled." Mr. Jacobo also told Human Resources that Mr. Avila had described a sexual relationship with me; that he had showed Mr. Jacobo photographs of women; and that Mr. Avila had reacted in a hostile way against another female employee who had refused to give him her number.

The verbal warning did not deter Mr. Avila. After he completed the harassment training, Mr. Avila continued to spread rumors that we had a sexual relationship and that he had taken a nude photo of me. I continued to have to work alongside him in the kitchen. I could feel him leering at me as I worked.

On February 9, 2023, I was working alongside Mr. Pureco for the India flight. As we worked, he said, as an aside, “[s]ome men are very stupid in how they talk.” I responded, “Why, what are you talking about?” He said, “When they see women who are beautiful and young, they say stupid things.” Initially, he refused to elaborate, but when I pressed him, he added, “Manuel [Avila] said that none of us should talk to you, that you were going to be his woman, and that he imagined being in bed with you and the sexual positions he was going to put you in.” Mr. Pureco added, “I could tell he had said something to you, and [that] you had rejected him because rapidly his attitude toward you changed.”

I assumed Mr. Pureco was referring to Mr. Avila’s efforts to interfere with my work and became very upset. I went to the bathroom to calm down. Another employee called Human Resources down to the bathroom. I waited until my union representatives arrived. At that time, I went upstairs to give a statement. Human Resources told me that Mr. Avila had left for the day and that it was safe to go downstairs. But when I went downstairs, I saw Mr. Avila’s motorcycle outside. I felt unsafe.

Mr. Avila was scheduled to be off work on Friday, February 10th and it looked like he had requested vacation for a few days. When I returned to work on Wednesday, February 15, 2023, Mr. Avila seemed happy and was smiling. I saw Mr. Avila being called up to Human Resources that day, and he reported to work the following day. We continue to work in the same kitchen. I do not know the status of the investigation.

Mr. Avila’s behavior, which has only worsened after I made a report to Human Resources, has seriously impacted my life. I have five children, and I am the sole provider for them. The harassment has made me feel so stressed and unsafe that I have considered quitting my job. I have even considered returning to El Salvador. Because of Mr. Avila’s actions, I feel that my co-workers view me as a sex object, even though I have never had any relationship with Mr. Avila.

In closing, I want to ask the California Civil Rights Department to investigate the problems that I am facing at Flying Food Group due to my gender. I am speaking out because no one should have to tolerate harassment to provide for their family.

Sincerely,
/s/ Evelin Flores