

# Jury awards \$750,000 to black worker for racist incidents at Daimler Trucks



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A Portland jury on Wednesday awarded \$750,000 to a African American worker who said he felt intimidated by racial harassment at Daimler Trucks North America's manufacturing plant, including a noose hung on the production line.

The jury found that Victor Pierce, 59, had been "subjected to a racially hostile work environment" at the company's Western Star manufacturing plant on Swan Island, where Pierce helped assemble heavy duty commercial trucks.

Daimler's attorneys contended that Pierce was exaggerating some of the encounters over the years -- seeing racism where there was none -- and that when racism was involved, the company acted swiftly and effectively to stomp it out.

In 2009, Pierce saw a noose hanging in the cab of a truck moving down the production line. No one was identified as the culprit.

In another instance, a co-worker walked up to Pierce in 2014 and said, "I wish I had a noose!" He was suspended from work for three days.

Pierce testified that he was deeply upset after word quickly spread in 2013 that two white co-workers had confronted an African American colleague with a noose and a proclamation that they would drag him around the parking lot in a truck. The white co-workers weren't fired, according to Pierce's attorneys.

Pierce testified that racist graffiti stayed on the walls of the men's restroom stalls for years. Among that graffiti was a game of hangman with a body drawn in next to "N\_ \_ \_ \_ \_." A swastika also was etched into a stall wall, but it remained visible even after it was eventually painted over.

"The swastika is kind of a metaphor for this case: (Daimler) painted it over, but they didn't get rid of it," said Mark Morrell, a Portland attorney who represented Pierce with attorney Rebecca Cambreleng.

The German-owned company's North American headquarters are in Portland. An estimated 500 to 600 people worked at the Swan Island plant while Pierce was there. Pierce estimated that about 20 of the employees there were African Americans. An independent investigator hired in 2014 by Daimler said it was about three dozen.

After 22 years at the Swan Island plant, Pierce retired in June 2015 at age 58 -- earlier than he had planned, he said, because he wanted to get away from the racism.

As Multnomah County Circuit Judge Karin Immergut read the jury's verdict, tears welled in Pierce's eyes. Moments later, Pierce said that he felt vindicated.

He said he endured many years of racism and the company brushed off his complaints. He spent two years waiting for the outcome of his civil suit.

"We need to change, there's a lot of things that need to change in our society," Pierce said.

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He is among at least 12 minority workers from Daimler who have filed lawsuits or settled with the company over complaints of racial harassment in the past several years.

In 2014, after the state stepped in to investigate, Daimler agreed to pay a **record \$2.4 million** to six former employees.

Lawsuits filed by three African American workers are still pending.

Robert Aldisert, and attorney for Daimler, contended that many of the problems that Pierce encountered on the job had nothing to do with racism and that the handful of incidents over 6 1/2 years weren't connected.

"Nobody is trying to say that Daimler is perfect," Aldisert said during closing arguments. "There were issues. There was racially disturbing graffiti in the bathrooms and they dealt with it as quickly as they could."

Aldisert said the company shouldn't be held responsible for a few isolated racially motivated incidents.

In 2012 and 2014, the company held diversity training for its staff. It also posted its strict anti-harassment policy.

But Pierce's attorneys contended those steps were too little, too late.

The trial lasted six days. The jury deliberated for less than four hours.

Ronderrick Moore was the only African American juror. He told The Oregonian/OregonLive that hearing what Pierce had experienced on the job was so troubling to him that he couldn't sleep well at night.

He wanted to award Pierce more than \$1 million, but said he was satisfied that the verdict sent a message to Daimler of "how outraged we are."

"This case right here put my faith back into the system," Moore said.

Juror Lauren Clark said it was easy to understand how Pierce felt intimidated in the workplace.

"It's encouraging that a number of lawsuits are being brought against the company," Clark said.

After the verdict, Daimler spokesman David Giroux said the company was disappointed but "respects the judicial process and will consider its options."

The company "is an Equal Opportunity Employer with a zero tolerance policy related to discrimination or harassment on any basis," Giroux wrote, in a statement.

The company's policies call for a harassment-free work environment and prohibits discrimination "based on characteristics protected by law such as race, color, gender, religion, national origin, age, marital status, family relationship, disability, sexual orientation, or veteran status," Giroux wrote.

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