

Contact: Gloria Allred
Phone: 323-653-6530
Email: gallred@amglaw.com

Today we are very happy to announce a legal reckoning in the form of a multi-million dollar settlement in the case of firefighter Nathalie Fontanez v. The City of Boston.

Nathalie was excited to be accepted and to join the Boston Fire Department on November 7, 2011. From the time that the first woman became a firefighter in Boston in 1984 until the present only 1% of Boston firefighters have been female although nationwide women are 4% of all firefighters.

Nathalie was assigned to Engine 28 in Jamaica Plain, MA. She was the only woman in her shift group and frequently she would be the only woman in her firehouse.

As time passed, even though Nathalie successfully fought many fires, she became the victim of sexual harassment. Some of the male firefighters in her workplace encouraged her to report it and told her that if she reported it that they would support her and truthfully report what they witnessed to those who would investigate her complaint. She did file a complaint but after she reported it the firefighters who had assured her of their support and witness statements declined to come forward.

Although Nathalie was very disappointed in their lack of support, she felt that she could not let the sexual harassment of her continue, and she made several complaints of this misconduct to the Boston Fire Department and the City of Boston.

Ultimately, however, the City of Boston repeatedly failed to address the issues that she raised in any meaningful way. In addition, the City failed to adequately train firefighters about sexual harassment and the City continued to engage in different treatment of male and female firefighters to the detriment of women.

Finally, the inevitable took place. On January 14, 2018, Nathalie was sexually assaulted by a co-worker when she returned to her firehouse to retrieve personal items that she had left there. The prosecutor brought two charges against the defendant, David Sanchez, based on her allegations.

Mr. Sanchez was convicted by a jury of both charges, *indecent assault and battery*, a felony, and *assault and battery*. He was sentenced to probation but he was also required to register as a sex offender, if required to do so by law. Later, however, the defense made a motion to dismiss the requirement that Mr. Sanchez register as a sex offender and the Court agreed to dismiss that requirement.

The defendant, who is now a convicted felon, was permitted by the City of Boston to resign, rather than being fired, despite the fact that in the past many firefighters convicted of serious crimes were fired rather than being allowed to resign.

After the trial, the City of Boston delayed bringing Nathalie back to work. Nathalie communicated that she was interested in being assigned to the Boston Fire Investigation Unit (FIU). The City at one point responded that this position was available only to firefighters with greater seniority than Nathalie had. However, Nathalie learned that the position she wanted and which was open when she requested it was given to a white male who had joined the Boston Fire Department on the same day that Nathalie had joined. This denial of equal employment opportunity served as yet another example of the discrimination suffered by Nathalie based on her gender, and we believe that it constituted retaliation against her for filing sexual harassment complaints.

Ultimately, after our legal team continued to litigate Nathalie's case, we were successful in winning a settlement for her of 3.2 million dollars. This result was obtained because of Nathalie's courage in pursuing this case and her refusal to allow the City of Boston to get away with denying her legal rights to enjoy equal employment opportunity and be free of sexual harassment in the workplace, and retaliation against her for protesting it.

It is a reminder to the City of Boston that the cost of their many wrongs against Nathalie must be borne by the wrongdoer rather than the victim.

We hope and expect that Nathalie's case will serve as a teaching moment for the Boston Fire Department that they must fulfill their legal duty to women firefighters and treat them on an equal basis with men.

Nathalie is a true pioneer in the battle to win equal rights for women as firefighters. Nathalie was a brave woman firefighter with an exemplary record serving her city. She broke into the "old boys club", and she will be remembered by many woman firefighters as a trailblazer for women in what continues to be a male dominated occupation.

Gloria Allred
Attorney at Law

Representing Nathalie Fontanez with Ms. Allred's partner, Michael Maroko, and her Boston co-counsel Jonathan Margolis and Beth Myers.

January 12, 2021