Newsday
LONG ISLAND
THURSDAY, JULY 10, 2003 • NASSAU EDITION
wsday.com

Ex-Workers' $70M Suit

3 charge Estee Lauder with 7 counts of discrimination

By Matt Donnelly
STAFF WRITER

Three former employees of Estee Lauder Companies yesterday announced a $70 million lawsuit against the cosmetics maker, charging several executives with racial, sexual and disability discrimination that took place "on a daily basis" over several years.

Dan Russo, 43, Wayne Rogers, 44, and Yolanda Smith, 25, who worked at the Melville office of Manhattan-based Estee Lauder, gathered with their Hempstead-based attorney, Frederick K. Brewington, at state Supreme Court in Mineola to announce the suit and present a 35-minute audiotape of a conversation with a former manager that they say supported their charges.

"We're here today because of discrimination that took place at Estee Lauder on a daily basis," Russo said. "Literally, a daily basis."

Russo, a manager who had worked in the company's credit department since 1997, played parts of a conversation between him and his then-supervisor, Dennis Burdjak, in March 2001. Russo said he secretly recorded the conversation — which included multiple sexual, ethnic and racial slurs concerning co-workers — in order to alert his superiors to the working environment, but said no action was taken.

On the tape, Burdjak can be heard saying of a woman in the office, "She's not smart. She's not stupid, but she's not smart. She's just a girl." Russo said that when he played the tape to high-level managers, "They heard five seconds of the tape, and then they dismissed me."

Newsday Photo / Dick Yarwood

From left, Wayne Rogers, attorney Frederick Brewington, Dan Russo and Yolanda Smith. The plaintiffs say Estee Lauder discriminated against them "on a daily basis."

Estee Lauder officials declined to comment yesterday on the suit, which was filed Tuesday in U.S. District Court in Central Islip. In a statement released Tuesday the company said, "We look forward to the resolution of this lawsuit through proper legal channels."

The plaintiffs are seeking $10 million on each of seven counts of discrimination or civil rights claims.

Burdjak, who Estee Lauder said left the company in May 2002, was not listed as a defendant in the suit. He could not be reached for comment.

Russo, who was diagnosed with cancer in 1995, charges in the lawsuit that he was passed over for promotions because of his illness. He said he continued to work despite the discrimination because he needed to pay his medical bills. According to the suit, Russo, who is white, was fired in January by Al Creft, senior vice president for human resources, for his "refusal to cooperate." Creft is among nine Estee Lauder managers listed as defendants.

Smith worked as a temp in the company's payroll department from March 2001 to May 2002, when she said she was laid off due to budget constraints. Rodgers, who started working at the office in 1992, said he quit in April out of frustration. Smith and Rogers, who are African American, said they experienced multiple incidents of racial and sexual discrimination and harassment, including slurs and pornographic e-mails. "When [complaints] were brought to the top levels, including human resources, they were told to go away," Brewington said.

The lawsuit is the fifth employment discrimination filed in New York against Estee Lauder Inc. since 1996, according to public records, which only indicated that the cases were closed. The company has 20,400 employees worldwide, with 2,400 workers on Long Island.