

Wal-Mart told to pay \$2m to fired pharmacist

By Keith Reed, Globe Staff | June 21, 2007

[Wal-Mart Stores Inc.](#) must pay \$2 million in damages to a former pharmacist who said she was fired from its Pittsfield store after complaining that she was being paid less than her male counterparts.

A Berkshire County Superior Court jury on Tuesday awarded Cynthia Haddad \$1 million in punitive damages, more than \$800,000 in compensatory damages, and \$125,000 for emotional distress. Barring an appeal from Wal-Mart, the verdict ends a three-year battle between Haddad and the nation's largest retailer.

"The message in our case is you can't take a professional pharmacist and fire her for reasons that aren't enforced for male pharmacists. Their reasons were just laughable," said Richard E. Fradette, one of Haddad's lawyers.

John Simley, a Wal-Mart spokesman, said the company is reviewing the verdict and hasn't decided whether to appeal. He added that the company has an anti discrimination policy and encourages women to take leadership roles.

The Haddad verdict comes as Wal-Mart is defending itself against a sex discrimination class action that could have much larger implications for the company. That suit, filed in 2001, includes nearly all women who worked for Wal-Mart after December 1998, as many as 2 million, according to estimates by the plaintiffs' attorneys.

"It's very similar and probably draws upon the same practices that we're talking about in our case," said Joseph Sellers, an lawyer with Cohen, Milstein, Hausfeld & Toll in Washington, D.C., and co-lead counsel in the class action.

Wal-Mart is appealing a February 2-to-1 ruling by the US Circuit Court of Appeals in San Francisco that allows the lawsuit to keep its class action status.

While both cases involve women's claims of gender discrimination against Wal-Mart employees, Simley said "they're two completely different cases with different circumstances."

At the heart of the Haddad case was her allegation that her 2004 dismissal was retaliation for complaining about her pay. She was a Wal-Mart pharmacist from 1993 until she was fired.

In 2003, she accepted a temporary job managing the Pittsfield store's pharmacy, a position that was supposed to come with a bonus and an hourly pay raise of \$1. But after nine months, she had received neither, her lawsuit claimed. After complaining to her supervisors, Haddad eventually received a check for nine weeks' worth of bonuses, but none of the manager's differential, her suit alleged.

After several more months of complaining about her pay, she was given another bonus check in April 2004, the suit said. Five days later, she was fired for allegedly violating Wal-Mart policy by leaving a technician in the pharmacy without supervision.

But Fradette, her attorney, said that incident occurred in 2002, 18 months before she was fired and after Haddad had witnessed and reported misconduct by male pharmacists to Wal-Mart.

Lawyers who specialize in workplace discrimination said there were some similarities between the Haddad case and the national class action, but they also noted important distinctions.

"The difference is that this case involved retaliation," said Paul Holtzman, a partner Krokidas & Bluestein in Boston and co chairman of the Boston Bar Association's labor and employment section.

"The largest verdicts and the most exposure for companies often comes in retaliation cases where the managers act out of anger against an employee for asserting their rights."