

1 BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

2 ALASKA STATE COMMISSION FOR )  
3 HUMAN RIGHTS, MARTI BUSCAGLIA, )  
4 EXECUTIVE DIRECTOR, *ex rel.* )  
5 JESSICA WALKER, )

6 Complainant, )

7 v. )

ASCHR No. J-16-204

8 TRIDENT SEAFOODS CORPORATION, )

9 Respondent. )  
10 )

11 ACCUSATION

12  
13 Marti Buscaglia, Executive Director of the Alaska State Commission for Human  
14 Rights, *ex rel.* Jessica Walker, hereby alleges the following against Respondent Trident  
15 Seafoods Corporation:  
16

17 1. Respondent Trident Seafoods Corporation ("Trident") is a Washington  
18 corporation doing business in Alaska harvesting, processing, and marketing various  
19 types of seafood.  
20

21 2. Jessica Walker was employed by Trident as a deckhand on the f/v Four  
22 Daughters beginning in April 2015. She performed her job satisfactorily during the  
23 2015 fishing season.  
24

25 3. Trident rehired Ms. Walker to work as a deckhand on the f/v Four  
26 Daughters during the 2016 fishing season on June 6, 2016.

27 4. On June 10, 2016, Ms. Walker advised the f/v Four Daughters captain  
28 that she was approximately eleven weeks pregnant. Ms. Walker also provided Trident

ALASKA STATE COMMISSION FOR HUMAN RIGHTS  
800 A Street, Suite 204  
Anchorage, Alaska 99501-3669  
(907) 276-7474 FAX (907) 278-8588

1 with a note from her doctor stating that she could continue her current employment on  
2 the f/v Four Daughters as a deckhand.

3  
4 5. Even though Ms. Walker provided a note from her doctor clearing her to  
5 continue working, Trident removed Ms. Walker from the boat and required her to  
6 complete a comprehensive health questionnaire. No other employees were required to  
7 fill out the health questionnaire at the same time, and the only reason Ms. Walker was  
8 required to complete the questionnaire was because she informed Trident that she was  
9 pregnant.  
10

11  
12 6. The health questionnaire sought information relating to numerous  
13 personal medical issues. None of the answers that Ms. Walker provided in response to  
14 the questions relating to her personal medical issues disqualified her from working on  
15 the f/v Four Daughters.  
16

17 7. The health questionnaire also included questions relating to Ms. Walker's  
18 physical abilities. Among the questions relating to Ms. Walker's physical abilities were  
19 questions asking whether Ms. Walker could lift, push or pull up to 100 pounds.  
20

21 8. Ms. Walker had never before been required to lift, push, or pull 100  
22 pounds while working as a deckhand on the f/v Four Daughters. Ms. Walker had also  
23 previously completed the same health questionnaire for Trident and the questionnaire  
24 did not ask whether she could lift, push, or pull up to 100 pounds.  
25  
26  
27  
28

**ACCUSATION—Page 2**

*ASCHR, Marti Buscaglia, Executive Director, ex rel. Jessica Walker v. Trident Seafoods Corporation, ASCHR No. J-16-204*



1 17. Trident did not require other employees who were not pregnant to  
2 complete a comprehensive medical questionnaire.

3  
4 18. Trident discriminated against Ms. Walker because of her sex, and  
5 because she was pregnant, in a term, condition, or privilege of her employment when it  
6 required her to complete a comprehensive medical questionnaire and did not require  
7 employees who were not pregnant to complete the same questionnaire.  
8

9 19. The reasonable demands of Ms. Walker's position as a deckhand did not  
10 require Trident to distinguish between Ms. Walker and other employees, based on her  
11 sex or her pregnancy, when Trident required Ms. Walker to complete a comprehensive  
12 medical questionnaire and did not require employees who were not pregnant to  
13 complete the same questionnaire.  
14

15 20. Trident's discrimination against Ms. Walker as described in paragraph 18  
16 constitutes a violation of AS 18.80.220(a).  
17

18 21. Ms. Walker suffered harm in the form of lost wages, benefits, and other  
19 remuneration when her answers to the comprehensive medical questionnaire caused  
20 Trident to terminate her employment.  
21

22 **SECOND CAUSE OF ACTION**  
23 **TERMINATION BECAUSE OF PREGNANCY AND SEX**  
24 **A VIOLATION OF AS 18.80.220(a)**

25 22. Paragraphs 1 to 11 above are realleged and incorporated herein.

26 23. Jessica Walker was employed by Respondent Trident Seafoods  
27 Corporation as a deckhand.  
28

**ACCUSATION—Page 4**

*ASCHR, Marti Buscaglia, Executive Director, ex rel. Jessica Walker v. Trident Seafoods Corporation, ASCHR No. J-16-204*

ALASKA STATE COMMISSION FOR HUMAN RIGHTS  
800 A Street, Suite 204  
Anchorage, Alaska 99501-3669  
(907) 276-7474 FAX (907) 278-8588

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

24. When working for Trident in June 2016, Ms. Walker was pregnant.

25. Ms. Walker was qualified to perform all of the functions and duties of her position as a deckhand at all times when she was employed by Trident.

26. Trident learned that Ms. Walker was pregnant on or about June 10, 2016.

27. Trident terminated Ms. Walker's employment because of her sex and because of her pregnancy shortly after it learned she was pregnant.

28. Trident's termination of Ms. Walker's employment constitutes a violation of AS 18.80.220(a).

29. Ms. Walker suffered harm in the form of lost wages, benefits, and other remuneration because Trident terminated her employment.

**PRAYER FOR RELIEF**

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a) by requiring Ms. Walker to complete a medical questionnaire.

2. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a) by terminating Ms. Walker's employment.

3. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law.

4. That the Commission order Respondent to obtain in-person training of at least four hours in length for its managers, supervisors, and employees on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an

1 emphasis on the prohibitions on discrimination based on sex and pregnancy, and that  
2 such order specify that the trainer and training curriculum be approved by Commission  
3 staff prior to the training being conducted.  
4

5 5. That the Commission order Respondent to eliminate from Ms. Walker's  
6 personnel records all documents and entries relating to the facts and circumstances that  
7 led to Ms. Walker's filing of the above-captioned charge of discrimination and any of  
8 the related events occurring thereafter.  
9

10 6. That the Commission order Respondent to refrain from penalizing Ms.  
11 Walker in any way in future considerations for employment and, if rehired, for  
12 transfers, promotions, or upgrading because Ms. Walker complained about  
13 discrimination or because she filed a complaint with the Commission.  
14

15 7. That the Commission order Respondent to refrain from advising or  
16 informing any other employer or potential employer of Ms. Walker of the facts or  
17 circumstances involved in this case.  
18

19 8. That the Commission order Respondent to pay back wages to Ms. Walker  
20 for the period beginning on June 10, 2016 and ending on the date of the Commission's  
21 order, plus interest at the applicable legal rate, the exact amount of which will be proven  
22 at hearing.  
23

24 9. That the Commission order Respondent to immediately reinstate Ms.  
25 Walker to the position of deckhand on the f/v Four Daughters, or to a similar deckhand  
26 position on another fishing vessel.  
27  
28

**ACCUSATION**—Page 6

*ASCHR, Marti Buscaglia, Executive Director, ex rel. Jessica Walker v. Trident Seafoods Corporation, ASCHR No. J-16-204*

