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This Worker Sued Boss & She Lost

By: Dave Saltonstall
Daily News Staff Writer

In the pantheon of male sexual-harassment victims, Sabino Gutierrez is a giant, a man without equal.

A 34-year-old father of two, Gutierrez not only accused his female boss of sexually harassing him, he took his claim to trial and won. Big time.

A Los Angeles jury composed of 10 women and two men granted Gutierrez more than \$1 million in damages last May. The decision made him the first man to successfully sue a woman in court for sexual harassment, since most plaintiffs – male and female – settle such claims out of court.

Gutierrez said the trouble began almost as soon as he went to work in 1986 at California Acrylic Industries, a Pomona hot tub and spa manufacturer.

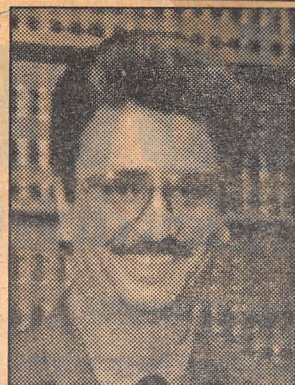
His boss, Maria Martinez, started by requesting a kiss, said Gutierrez' lawyer, Carla Barboza. When that failed, she made a habit of entering his office, locking the door and demanding a chance to kiss, hug and fondle him.

"I was afraid that if I didn't do it, they would put me out on the street," testified Gutierrez, whose efforts to report the harassment were met with laughter and scorn by other superiors.

After he married in 1991, the harassment got worse. Martinez twice demoted him. Gutierrez went from being a supervisor in charge of 70 people to a laborer.

Martinez has denied any wrongdoing, and the verdict has been appealed. But for Gutierrez, the judgment remains a shining beacon of hope – for both men and women.

"My case is a perfect example of a company that didn't listen to my complaints, and as a result they will pay a very high price for ignoring the situation," he said.



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