

Case Analysis: Employment Law

Introduction

The human resources management function is one of the most complex systems that encompass a comprehensive range of important activities and tasks within a specific company. From the selection and recruitment, provision of training, compensation and employee benefits, to the health and safety of the workers and the management of the work relations among employees and between the employees and the company, all of these functions are very important and critical to human resources management (Scarpello, Ledvinka, & Bergmann, 1995). Interestingly, since the human resources management function encompass a wide range of corporate activities that benefit mainly the employees in a company such as the recreational activities of the workers, legal services, purchasing plans, compensation and benefits, insurance, health benefits and retirement, the legal aspect of all these functions must also be established (Scarpello, Ledvinka, & Bergmann, 1995).

According to the Strategic Human Resource (2011), the complexity and comprehensiveness of the tasks and functions of the human resources management make this specific corporate function be subjected under law as its many intricacies often cause issues and concerns mostly on the part of the workers. At present, numerous employment laws have already been implemented and while some of these human resources laws appear to be restrictive and sometimes even burdensome, the truth is that the employment arena simply cannot do without these employment laws. In terms of function, the human resources laws serve as the keys to bringing about good working relationship between the two parties—workers and employers involved (Strategic Human Resource, 2011; Moran, 2011).

Ford (2009) further adds that human resource laws are undeniably very important laws that are designed primarily to counter any form of legal problems concerning the employment of workers as well as address a wide range of legal employment issues within the general area of human resources (Moran, 2011). According to Strategic Human Resource (2011), some of these most commonly encountered legal employment issues include recruitment and selection processes, physical, verbal and sexual harassment, security and health issues, discrimination, job application procedures, compensation and benefits, diversity, employee dismissal, basic employee rights and other situations that call for legal actions either on behalf of the workers or on the side of the employees (Strategic Human Resource, 2011).

Human resources laws are also useful in implementing specific legislations which certain employers are required to abide with (Twomey, 2010). For example, the state and federal employment laws provide mandate on the employers to abide with all the critical facets of the process of employment to prevent any employment issue from arising (Hill, 2011). Since violation of the law entails punishment on the part of the employers, in the form of sanctions, penal damages and fines, it therefore compels employers to abide by the law and to allow their companies to be governed by these laws (Twomey, 2010). Consequently, these laws most of the time work for the benefit and favor of the employees as their basic employee rights are protected and their job security is tightened (Hill, 2011).

In discussing about employment law or human resources law, it is also very important to differentiate this concept from employment rights as oftentimes, there arises confusion between these two concepts. According to the HG.org (2011), employment law pertains to the *“compilation of the different administrative rulings, statutory laws as well as legal precedents*

that cover the different facets of employee and employer relationship". Employment rights on the other hand refer to the natural privileges and rights of the employees that emphasize their protection from any unlawful employment acts of their employers such as discrimination, harassment, and abuse of any form (HG.org, 2011).

In this case analysis assignment, four employment case laws will be tackled in detail in relation to how the employment & human resources law, which concerns the legal relationships between employers and employees, act on every unique employment situation and circumstance in the corporate environment. These employment cases are the following:

1. Griggs v. Duke Power Company, 401 U.S. 424 (1971)
2. Meritor Savings Bank v. Vinson, 819 F. 2d 630 (1987)
3. Steelworkers v. Weber, 443 U.S. 193 (1979)
4. County of Washington v. Gunther, 452 U.S. 161 (1981)

A. *Griggs v. Duke Power Company, 401 U.S. 424 (1971)*

This particular case was a "class action" that was brought about by the thirteen black employees at the Duke Power Company, the respondent in the case. The class action was intended to challenge the alleged discriminatory practices of the respondent, particularly in requiring its employees to provide at least a high school diploma or proof that they passed the aptitude and intelligence test in order to secure their promotion at work and benefit from an increased pay. Apparently, before the implementation of the Civil Rights Act in the year 1964, the Duke Power Company has employed the "black people" only for the company's lowest paid plant department in Dan River(Griggs v Duke Power Co., 401 U.S. 424, 1971).

After 1964, the Duke Power Company allegedly continued in limiting the employment conditions of its “black employees” by giving them only the lowest paid job positions within the company. The company’s gauge for providing them such position was their educational tests and educational attainment. The company also explicitly created a policy that these employees would only be able to transfer or move up to better-paying positions which are only available in other departments if they would be able to achieve the set requirements of the company with regard to their educational attainment(Griggs v Duke Power Co., 401 U.S. 424, 1971).

One main point of contention of the applications in the lawsuit was that the requirements set by the Duke Power Company were not really intended or directed for the measurement of the abilities of the company’s employees as well as for the measurement in the performance of a specific job category. Instead, these actions and policies of the Duke Power Company was a clear act of the company’s intention to deny the existence of any form of discrimination against its employed black people. The applicants further strengthened their contention on the case by citing the “educational and testing criteria” indicated in the Civil Rights Act of 1964 that basically allowed various forms of “professionallydeveloped ability test which do not, in any way, reflect the intention or act to discriminate a specific employee or groups of employees(Griggs v Duke Power Co., 401 U.S. 424, 1971).

This particular case was argued in the United States Supreme Court on the year 1970 and was decided on 1971. Being considered as the first of its kind in terms of being classified as a case involving employment discrimination and the application of the disparate impact theory, the case ended when the Court of Appeals maintained the District Court’s findings on the

case that there was no act that showed any intended discriminatory purpose on the part of the black employees in the Duke Power Company. In addition, the Court of Appeals also rejected the fact that the company was already guilty of willful discrimination since a number of black employees have been unqualified for any form of transfer, promotion and increase in pay in the company (Griggs v Duke Power Co., 401 U.S. 424, 1971).

If one is indeed going to closely examine the main contention of the applicants against the Duke Power Company, the missing element is the proof or evidence presented before the court that point to the willful act of indirect discrimination of the company on its black employees by means of setting educational tests and other criteria that would make it difficult for the Negroes to be promoted and to gain an increase in their pay. Although the employment law protects employees from all kinds of discrimination, whether direct or indirect and implicit or explicit, the law still requires employees to provide sufficient evidence or proof that discriminative acts indeed took place (Tobler, 2005; Griggs v Duke Power Co., 401 U.S. 424, 1971).

B. Meritor Savings Bank v. Vinson, 819 F. 2d 630 (1987)

The Meritor Savings Bank v. Vinson was a case in the United States that marked the Supreme Court's official recognition of the existence of different sexual harassment forms as direct violation of the Title VII of the Civil Rights Act of 1964. This case also established the very standards in terms of the analysis on specific conduct that may be considered "unlawful" to which an employer may be held liable (Dodier, 1987). Based on the existing facts of the case, Mechelle Vinson was fired from her job in the Meritor Savings Bank and

later on filed a lawsuit complaint against Sidney Taylor who was the bank's Vice President(Dodier, 1987).

Vinson filed a charge against Taylor indicating that the latter forced her to engage in "casual sexual relations" with him and at the same time demanding sexual favors from her at work(Dodier, 1987). She stated that she has had sexual intercourse with his boss, Taylor, for over 50 times during the entire duration of her stay at work. Vinson also testified that Taylor "raped" her in certain instances and performed other sexual acts with her both in private and in public(Dodier, 1987). In support to her allegations against Taylor, Vinson also cited that such forms of sexual harassment resulted to negative and "hostile" working environment and as such, may be justified as a form of "unlawful discrimination" to her as stated in the Civil Rights Act of 1964 (Title VII)(Dodier, 1987).

The Meritor Savings Bank v. Vinson was very important as it gave rise to the question on whether or not the Civil Rights Act of 1964 was limited or lacking in terms of including "tangible economic discrimination" within the workplace such as sexual harassment and other forms of harassment that may be physical or psychological. Another question was whether or not the "hostile work environment" a form of "unlawful discrimination" based on the criteria or standards set under the Civil Rights Act of 1964(Dodier, 1987). Basically, the Court contended that the specific EEOC guidelines issued with regard to sexual harassment indeed leads to some form of "non-economic injury" that may be considered a form of "sex or gender discrimination" that is strictly forbidden by the Title VII of the Civil Rights Act of 1964(Dodier, 1987).

Clearly, the significance of this case was based upon the fact that although the Title VII of the Civil Rights Act of 1964 indicates that it is unlawful for the employers to do specific discriminative acts against any person or individual with regard to his terms, compensation, conditions, employment privileges as well as a person's religion, national origin, color, race or sex, the fact is that the Title VII failed to set bounds and clearly identify what the scope and meaning of the Title VII of the Civil Rights Act of 1964 was. This limitation in a way provided a challenge for the Court to decide upon the case as although this was not the first time such a case happened, it was the first time that sexual harassment has been decided upon by the Court as a form of discriminative act in the workplace (Anderson, 1987).

C. *Steelworkers v. Weber*, 443 U.S. 193 (1979)

The *Steelworkers v. Weber*, 443 U.S. 193 (1979) was a case that held that the 1964 Civil Rights Act did not, in any form, bar or disqualify employers from favoring minorities and women. Based on the facts of the case, Brian Weber, a lab assistant that worked in a chemical plant under the company "*Kaiser Aluminum and Chemical Corp.*," actually witnessed the company's policy that allowed both blacks and white to enter into a company training program on a "one-to-one" basis despite the fact that the whites were more predominant in terms of number than the blacks. This policy was based upon the "collective agreement" with the *United Steelworks of America*(Herndon, 1980).

Weber was unfortunately one of those employees that did not manage to get into the training program for the reason that more attended trainings entailed a pay raise on the part of the workers. The main contention of Brian was that this kind of policy violated the 1964 Civil Rights Act (Title VII).As a result, both the federal and lower court's decision was in support

of the claims of Weber which indicated that the 1964 Civil Rights Act indeed banned all the racial discrimination forms in the area of employment whether it was against the whites or the blacks(Herndon, 1980). However, the Supreme Court maintained that the action plan may still be considered “lawful” holding that the 1964 Civil Rights Act did not ban or forbid such kinds of action programs(Herndon, 1980).

The Court also held that a lawful action plan needs to meet the following criteria: a.) it has to be necessary, b.) it has to aim of correcting a particular “statistical imbalance”, c.) it should not result in a banning or barring of the non-minority people, d.) it has to be temporary with a specified end date as well as end goal and e.) it has to allow for flexibility in terms of hiring the non-minorities. In the end, the final decision of the Court was that the Title VII of the prohibition in 703 of the 1964 Civil Rights Act on the act against racial discrimination did not in any way condemn or attack all the voluntary, private as well as “race-conscious” action plans (Herndon, 1980). Based on this case, not only are the employment rights being protected by the employment laws but also the laws themselves in terms of their use, scope and importance.

D. County of Washington v. Gunther, 452 U.S. 161 (1981)

Based on the facts of the case, the County of Washington v. Gunther, 452 U.S. 161, was a case that originated in the year 1974. The case began when a group comprised of county prison guards, mainly females, filed a lawsuit against the County of Washington due to “unequal wages or salary” being given to them. The four female guards complained that their pay was allegedly lower than their male guards counterpart for no other stated reason by the

company. Immediately the group concluded that this was a clear form of sexual discrimination. However, the district court, upon learning of the complaints disagreed with the allegations stating that the male guards had more responsibility in overseeing a greater number of prisoners as compared to the female guards(Brennan Jr., 1981).

The district courts held that the female county guards were in charge more on the clerical or administrative tasks. Another concern on the case at that time was that a “sex-based” wage discrimination complaint may not also be brought and supported by the Title VII of the Civil Rights Act of 1964 unless the equal work standards indicated in the 1963 Equal Pay Act were met(Brennan Jr., 1981). In response to this, the 9th Circuit Court of Appeals that such claims on “sex-based” wage discrimination may be brought and supported by the Title VII despite the fact that no member of the other sex presently holds an “equal” or higher paying job. This goes to say that the “challenged” wage rate may not be exempted from the Equal Pay Act and its defenses in regard to the “wage differentials” that may be attributed to the production quality and quantity, merit, seniority, and other factors not including sex/gender(Brennan Jr., 1981).

Necessary amendments therefore reflected the intention of incorporating into the Title VII solely the “affirmative defenses” of the Equal Pay Act and not the prohibitory or “barring” language that requires equal pay for every equal work. Justice Brennan strongly indicated that the amendment does not rule out or exclude any act of comparison of the differences in pay but merely those that were included in the four identified factors(Brennan Jr., 1981). Gunther on the other hand claimed that it was a “narrow decision” and that the Court lacks

the important task of determining how such jobs may be compared properly (Brennan Jr., 1981). The importance of this case was simply more on the fact that it highlighted some of the critical loopholes in the employment laws and the need for each employment law to be consistently amended in regard to the employment concerns and situations of every company. There is no doubt that employment laws may indeed prove to be debatable and may include several loopholes which the upper and lower courts need to objectively weigh and consider.

Conclusion

In conclusion, human resources law promotes justice, equality and fairness in the workplace. Based on the four identified cases in this paper which include the *Griggs v. Duke Power Company*, 401 U.S. 424 (1971), the *Meritor Savings Bank v. Vinson*, 819 F. 2d 630 (1987), the *Steelworkers v. Weber*, 443 U.S. 193 (1979) and the *County of Washington v. Gunther*, 452 U.S. 161 (1981), there are various kinds of employment concerns, issues and cases that may possibly emerge from within a corporate environment such as discrimination issues, sexual harassment, wages and compensation issues, and many others. Depending on the need of the employees or the employers, employment laws are helpful in addressing this wide range of concerns and issues (Moran, 2011).

Aside from this, employment laws also allow employers and employees to fulfill their corporate functions more effectively, away from issues and concerns that may possibly be prevented by human resource laws from happening. Indeed, while certain human resources laws may appear to be restrictive and sometimes even burdensome, the employment field simply

cannot do without these employment laws as they also address a wider range of legal employment issues within the general area of human resources such as the employment laws themselves and their limitations and loopholes that hinder certain cases from being solved (Moran, 2011; Twomey, 2010). Most importantly, the function of the human resources laws in the useful implementation of specific legislations which certain employers are required to abide with, which in a way, helps in guiding the employees (Twomey, 2010). Indeed, human resources laws provide security and protection in the basic employee rights of workers as well as provides for an improvement area on the overall employment industry to function properly.

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References

County of Washington v. Gunther, 452 U.S. 161 (U.S. Supreme Court. July 8, 1981).

Anderson, K. (1987). Employer Liability under Title VII for Sexual Harassment after Meritor Savings Bank v. Vinson. *Columbia Law Review*, 87(6) , 1258–1279.

Dodier, G. (1987). Meritor Savings Bank v. Vinson: Sexual Harassment at Work. *Harvard Women's Law Journal*, 10 , 203.

Griggs v Duke Power Co., 401 U.S. 424 (United States of America, the United States Court of Appeal for the Fourth March 8, 1971).

Herndon, R. (1980). The Presence of State Action in *United Steelworkers v. Weber*. *Duke Law Journal*, 1980(6) , 1172–1200.

Moran, J. (2011). *Employment law (5th Ed.)*. Upper Saddle River, NJ: Prentice Hall.

Scarpello, V., Ledvinka, J., & Bergmann, T. (1995). *Human Resource Management*. Cincinnati: South-Western.

Tobler, C. (2005). Indirect discrimination: a case study into the development of the legal concept of indirect discrimination under EC law. *Intersentia* , p. 515.

Twomey, D. (2010). *Labor and employment law: Text and Cases (14th Ed.)*. Mason, OH: South-Western: Cengage Learning.

Ford, R. (2009). “Law Review: Case Summaries, Scholarly Articles, Book Reviews & Law Practice Notes.” *Human Resources/Law Relations Review*, Ford & Associates LLC

Hill, J. (2011). Differences in State & Federal Employment Laws. Retrieved from http://www.ehow.com/about_5557064_differences-state-federal-employment-laws.html

HG.org (2011).Employment Law- Guide to Employment and Labor law. Retrieved from <http://www.hg.org/employ.html>

Strategic Human Resource (2011). Human Resources Laws Compliance Prevents Costly Legal Suits. Retrieved from <http://www.strategic-human-resource.com/human-resources-laws.html>