

# Discrimination research paper example

[Business](#), [Employee](#)



## **Introduction**

Discrimination in the business place is an unethical practice yet it is a common tendency in the day to day operations in many businesses (Brown, 2007). It occurs in a variety of aspects, the most profound being discrimination against employees who in a way or another may have a competitive disadvantage working with an organization. In the past, discrimination settlements have cost some businesses huge sums of money as a result of litigation. Employees to a business may be discriminated against in various ways, for example, due to their situation (Elkhouly & Buda, 1997). I have a vivid example fresh in mind of my friend who was dismissed from his job due to his medical history despite delivering his duties in the best way as expected from the employees. Discrimination may also be extended to suppliers whereby the tendering process is biased against some able suppliers to favor a chosen few; this is unethical because a business should always be open and honest in all its dealings with suppliers (Alaka, 2006). This paper will focus on discrimination in the business place focusing on the case of my friend Bonny who was dismissed from work owing to his medical condition. Discrimination is unethical practice by businesses and firms should enforce all measures to ensure that it does not happen in their premises because it can be highly costly to the image of a business and its financial position.

## **Description of the Discrimination Case**

My friend Bonny has been working for a certain retail outlet whose identity I beg to conceal for the last five years. Now, Bonny has a history of medical

problems since the early years of his life. He is a victim of epilepsy, he gets epileptic seizures from time to time. However, the frequency of his seizures is not highly pronounced since a seizure may only happen to him after a time of up to one year. My friend also was diagnosed with leukemia in the early years of his life, a condition he has lived with and managed well through his life. When Bonny secured a job with the retailer, he was exceptionally a happy man, he told me, that now that he will have his salary he would considerably relieve his parents the burden of his medical bill which they incur periodically. Since he secured the job, in 2008, everything has been smooth, delivering his duties to the expectation and at times, surpassing the expectations of his managers. When he secured the job, Bonny had never imagined that the beginning of the year 2013 would be a doom for him till it dawned on him. All the times he has been in the workplace he has never experienced any since until the doomed day of twelfth February 2013, when he had a powerful seizure. When I asked Bonny on his distressful situation, he narrated to me that he was not mandated by the employer to disclose his past medical history to secure the job, since he had not been required to divulge the information about his medical condition, he did not do it. It was until the day of the powerful seizure that the management realized that he had a long history of the medical condition he, however, explained to me that his medical condition was not actually epilepsy, the epileptic seizures were actually as a result of the cancer of the blood, it was the condition that aggravated the seizures.

Bonny explained to me that the powerful seizure that besieged him suddenly lasted for as long as two hours. It was until this moment that the employer

realized that one of his most committed employees was suffering for a medical condition he did not expect from his employees. Bonny told me that after the scene, his relationship with his managers began to take a turn for the worst. He was no longer accorded the exceptional treatment he used to receive from his operations manager since he was among the best performing employees in the business. He would from time to time be stripped off his duties to be assigned to his juniors even when he was totally fit to accomplish them, he would at times spent full days just sited and doing nothing in the business premises, this was so distressing to him as he explained to me as he was seeing it as an indirect way of the management telling him that his services were no longer needed by the business. He also me that he would be accorded forcible leaves from work for indefinite periods, he would be forced to call his employer after a week to confirm that he was fit for job and ask why he was on leave in order to be called to job, the workplace which used to be the best comfort for his disease tormented life had now turned to be the worst distress to his life.

The worst day of his life came on fifth March when he was given a letter of dismissal. As he explained to me the reasons for his dismissal with teary eyes, he also handed me the letter for me to read the reasons behind the undeserving job termination. The letter expressly stated out that his health condition could never give him a chance to continue working for the retailer. Depicting a lot of distress, Bonny stated to me that since he joined the organization he always worked selflessly to deliver the best he could, he was always rewarded among the best performing employees year in year, and such an abrupt termination meant an insult to him. As if that not enough, the

employment contract document did not state anywhere that an employee diagnosed with certain medical conditions was unfit to work for the organization. Bonny had no option but to go home disillusioned having lost his only hope in life. Today, Bonny is largely unemployed and spends most of his time at home with nothing much to do, this situation seems to have further aggravated his health condition, his body of late is too weak and epileptic seizures occur to him more often than when he was at work. The question which arises from this situation is whether the organization observed ethics in the dismissal and the legal redress that is relevant for the aggrieved former employee.

### **Analysis of the Ethical Concerns Raised by the Situation**

I consider the action of this employer as highly unethical, the employer had no empathy at all, and such acts are against the federal law and contravene employee rights. I will apply two ethical theories, i. e. utilitarianism and virtue to support two different outcomes of the discriminated dismissal of the employee from the business. Virtue ethics theory points out that to live an ethical life, requires developing and demonstrating the virtues of courage, wisdom, compassion and temperance while at the same time avoiding vices like selfishness, greed and jealousy (Bagley, 2008). The situation raises the question whether there are any ethics left with the employer. According to the virtue ethics theory, the business lacked the paramount ethical characters of compassion and temperance to the employee. If the business could have any compassion for Bonny, it could not have dismissed him the way it did, in fact as per this theory, the organization should have taken the step of assisting the employee obtain the best treatment for his ill health

instead of dismissing him. If it had exercised compassion, it could not let him just go, but it could have conducted follow up checkups on their former employee to ensure that his situation gets better. The other reason as to why the organization does not depict any ethics is because it does not depict temperance on its employees. What the business needed to understand is that Bonny did not have a choice to inherit such medical conditions as he was facing, they should not have reacted so inhumanly to him, if they had temperance, they could have held him a while longer even when they had discovered that they no longer needed his services. The virtue ethics seems also to be absent in the system of the business because its action to the employee is highly selfish, they only seem to care for their own welfare at the expense of the welfare of the dismissed employee. Therefore, the business does not have any traces of the virtue ethics theory in their system, because if it did, it could have dismissed and cold-shouldered Bonny in such a cold manner.

The second ethical theory that the businesses seems to have totally defaulted is utilitarianism. This ethical theory requires that an ethical business's acts should cause more happiness than sufferings in its dealings with the stakeholders (Fowler, 2001). The organization's act of dismissing Bonny only inflicting suffering to him and brought more suffering, if it could have been ethical it would consider a move that would mitigate his suffering rather aggravating his already worse situation. In addition to retaining the employee, could it have been ethical, it could have sought a means of bringing happiness to the life Bonny. For example, it could have introduced a scheme of helping the employee pay his regular medical bills.

The best ethical theory which would produce the best results for this situation is the utilitarian theory. This theory points out that acts of individuals or organizations should alleviate suffering and increase the happiness of the other party. If the business could have applied this theory, Bonny could not be where he is today. On realization of the medical problems facing their employee, the business could have made its CSR more plausible by introducing a program that will assist their worse off employee meet its medical bills. For example, it could have conducted a fundraiser for him to meet his medical expenses. This would bring more happiness to Bonny and alleviate his suffering. The move would also be in best interest to the business because it would help it enhance its image in the public eye through its corporate social responsibility extended to its employee. The business image is now ruined in the public eye; members of the public have low interest in working for the business because they understand that they can be easily dismissed even if not at fault. The rest of the organization's staff is also uneasy working for the organization because of the knowledge that they can be shown the door anytime despite their good performance. Application of the utilitarianism theory would work for best of the employee and the business.

### **Application of Relevant Legislation to the Situation**

Discrimination is disallowed in the business place (Bentley, 2007). There are various laws that prohibit discrimination of employees in the workplace. This provides some solace for my friend Bonny because he has the chance of going to a court of law to obtain the due justice he deserves. To begin with, the title VII of the civil rights act of 1964 is against employee discrimination

in the workplace. The act provides that it an employee right to be accorded equitable treatment when in the course of business. Therefore, the case of the retailer and Bonny shows a case of total abuse of employee civil rights by an employer. Despite the medical situation facing him, Bonny should been accorded similar treatment as other employees. In fact the act provides that employees with special needs should be accorded specialized treatment. Therefore, Bonny can use this civil rights act to sue the firm for compensation owing to the damages already inflicted on him.

This situation is also covered in American's with disability act. The act puts forward that no businesses should ever discriminate an employee on grounds of disabilities. The epileptic seizures rocking Bonny from time to time may be likened to a form of disability because they deter him from leading a normal social health despite their frequency being low. The organization's act amounts to discriminating against Bonny because of his disability. This is an offense on the part of the business at common law. Therefore, Bonny has the opportunity to seek litigation for compensation under this act. The offender under this act faces the risk of his or her license withdrawn; therefore, the business should avoid such acts in future if it survives the imminent threat facing it currently.

The genetic information and nondiscrimination act also stands out in this case to protect the rights of Bonny. Then act provides that no employee should be discriminated on the grounds of his or her faulty genetic inheritance (James, 2008). This applies for the case of Bonny who has inherited Leukemia from his family line which has for a long time been rocked by cancer. The organization is therefore on the wrong by dismissing



him on the grounds of seizures aggravated by the cancer he is suffering from. This act provides the aggrieved employ the opportunity to go to court and seek redress, which will definitely be accorded to him owing to the circumstances that led to his dismissal.

The law of contract also comes into play in this situation. A written contract is binding to the parties in it. The employment agreement between Bonny and the retailer was a binding contract between the two parties. The conditions stipulated in the contract, there was no term stating that the contract could be revoked if the employee would be diagnosed with certain medical conditions. Therefore, the business went against the contract, and Bonny has the right to sue the retailer for damages inflicted on him due to breach of contract. The employment law also is applicable here, these laws protects the rights of the employees. One law protects employee from dismissal without warning. The business did not warn Bonny of the possibility of dismissal, and, therefore, it has an obligation to compensate him for the damages and distress brought about by the unlawful act. The employer also contravened the employment law by not taking an action to help the employee from his situation despite having provided his services to the organization for a long time (Kelly, 2003).

### **Recommendation for reducing liability exposure and improving ethical climate**

For business to reduce its liability it must ensure that it sticks by the laws to the letter. The business in this situation faces a liability of up to its license being revoked due to its unfair dealings with its employee and hence contravening the employment law (Haber & Cahn, 1995). The business here

has very limited ways of reducing its liability since it has already got itself into the mucky waters. The only way available for it is to go back to the shore, the business must seek a means to resolve the deadlock between it and Bonny; otherwise if he goes to court, he has higher chances of winning the case considering his situation and the expanse of laws protecting him from his unscrupulous employer. However the business has a lot to learn from this situation to use in future dealings with its employees. The first remarkable lesson is that it should be cautious in future in the type of contracts it enters to with its employees. The terms and conditions involved must always be clear to the employer in future.

I would also recommend that the business always conduct medical checkups for those who want to work with the organization to ascertain that their fit to work with the organization as per its health standard requirements. In short, it is crucial for any business to totally understand the parties it is going into contract with. It is also worth recommending that the business must be aware of all the laws protecting the employees in order to be at a better position to handle cases filed against it by its employees. For the situation, the business should acquire a lawyer well equipped with laws regarding business operation, to negotiate for lower financial expense in the compensation of the employee. It can improve its ethics by strictly adhering to the ethical theories, i. e. Utilitarianism and virtue ethics.

## **Conclusion**

The business in this case stands the danger of litigation and consequently loss of finances to compensation of the aggrieved party. This could be avoided by sticking to the ethical code of conduct. The business has also lost

its good reputation; the effect of the loss in reputation can only be felt in the long run. It is, therefore, imminent that departure from ethical codes by businesses is highly costly to their image as well as their financial base.

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