

Sample critical thinking on griggs v duke power co case

[Experience](#), [Belief](#)



In the American employment law, the disparate impact doctrine holds that the employment practices might be termed as discriminatory and also illegal if they include a disproportionate or the adverse impact on members belonging to minority groups. In the same doctrine, when Title VII of 1964 civil rights act is violated, it might be proved through presentation of an employment practice or the employment policy that have a disproportionately adverse negative effect on individuals of the protected class as it is compared with the non-members of protected class. This doctrine always prohibits employers from using facially neutral practice in employment which has unjustified adverse impacting on the members of the protected class.

Griggs v Duke Power Co case was argued before the United States Supreme Court on 1970 December 14th. The case concerned of the employment discrimination and theory of adverse impact which was decided by March 1971 on 8th. This is generally seen as the first case of this type. According to the Supreme Court ruling, the requirements for employment by the company did not relate to the ability of applicants in performing the job, this was discrimination against the African American employees even if there was no intention by the company in doing so (Fick, 1997). The Supreme Court judgment famously included line from congress on provision of testing or the criteria for promotion and employment might not be providing the equality of the opportunity that is merely in sense of fabled offer of stork and fox milk. The plaintiff disparate treatment should establish the discriminatory motive or intent by the defendant for taking of job related action according to Title VII. The doctrine was read into act by the Griggs v. Duke Power Company.

The company interpreted the Act of prohibiting, employers in some cases facially neutral the practices that are discriminatory in the operation. The Griggs Court also asserted that, the disparate impact liability touchstone is lack of necessity in business (Fick, 1997). When an employment practice operating to remove minorities will never be shown that they are related to performance at job, the practice is therefore prohibited. Furthermore, if the employers met the burden in showing that the practice is related, plaintiff will be required to prove a legitimate alternative that resulted in to minimization of discrimination cases.

Reference

Fick, B. (1997). *The American Bar Association Guide to Workplace Law: Everything You Need to Know About Your Rights As an Employee or Employer*. New York: Times Books. (Fick, 1997)