

Good example of law essay

[Law](#), [Criminal Justice](#)



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The Supreme Court of the United States

Joseph Oncale, Petitioner v. Sundowner Offshore Services,

Incorporated, et al No. 96-568

December, 3 1997, Argued

Type of Action

It was a civil suit on employment law involving case of discrimination.

Facts of the Case

In October 1991, Joseph Oncale (the Petitioner) was working on a Chevron USA Incorporated oil rig in the Gulf of Mexico, for a company called Sundowner Offshore Service. He is one of the roustabouts in a crew of eight. While in employment, he alleged that on several occasions he was subjected to humiliating actions that were sex-related by his colleagues and in the presence of the rest of the crew at the oil platform. He endured physical

assault manifest with sexual connotation and was threatened with rape. His complaints to the supervisory personnel in pursuit of remedial action were unsuccessful. Unable to stand the humiliation any longer, he left the employment Sundowner Offshore Services. He also intimated that his pink slip should state that he had voluntarily left due to verbal abuse sexual harassment. He filed a complaint against his employer to the district court citing discrimination on the basis of his sex. The court at the first instance gave a summary judgment in favor of the defendant.

Contention of Parties

The Petitioner appealed to the appellate court who affirmed the decision; holding that the Petitioner being a male, had no cause of action under Title VII for the harassment by male co-workers. On his application for Certiorari, it was the appellate court's decision that nothing in Title VII would provide a bar for a claim of discrimination on sexual grounds because the plaintiff and the defendant were of the same sex. This judgment was ultimately reversed by the Supreme Court with a holding that sex discrimination that consisted of same-sex sexual harassment was actionable under Title VII.

Procedural History

This case emanated from the U. S. Court of Appeals for the Fifth Circuit on writ of Certiorari. The Petitioner was seeking a review of the judgment that no discrimination had been levelled against him. This judgment was based on the fact that his harasser was of the same sex.

Issues

This case presented a classical question as to whether workplace harassment was in violation of the prohibition of Title VII as against discrimination on the grounds of sex under 42 U. S. C. S section 2000e-2(a) (1).

Decision

The unanimous court decision was presented by Justice Scalia, with Justice Thomas concurring was to the effect that the decision of the District Court is reversed, and the case be remanded for further proceedings in furtherance of the position that a male can equally suffer discrimination against members of the same sex under Title VII.

Reasoning

The decision was properly interpreted in law due to the fact that same-sex harassment and any harassment without specific motivation for sexual desire were recognized. It was held that such can be actionable under Title VII. Federal courts have had difficulties in getting a clear determination on whether a particular case of harassment is motivated by sex and sexual orientation. The decision is however, a proper direction in the enjoyment of fundamental Civil Rights.

Rule of Law

It was the interpretation of the Supreme Court that statutory prohibitions may go beyond the primary evil and cover reasonably comparable evils.

References

Mackinnon, C. (2000, 4 28). *Oncale v. Sundowner Offshore Services, Inc.*, 96-568, Amici Curiae Brief in Support of Petitioner. *UCLA Women's Law Journal*, UCLA School of Law, UCLA, 5.

U. S. Equal Employment Opportunity Commission. (2014, 01 25). Title VII of the Civil Rights Act of 1964. Retrieved 01 31, 2014, from U. S. Equal Employment Opportunity Commission: <http://www.eeoc.gov/laws/statutes/titlevii.cfm>