

Free essay on an assessment of the eeo class action lawsuit filed against wal-mar...

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Introduction

More than 500 employees of Wal-Mart Stores Inc. filed a discrimination claims against the firm with the United States' Equal Employment and Opportunity Commission. This came after the Supreme Court blocked a class-action lawsuit the previous year. The filing of the claims came to preserve the rights of women to pursue personal and regional class-action suits against the firm concerning the alleged discrimination on payments and promotions. The world largest retailer suffered the consequences on 26 April 2010. The ruling came from the federal appeal court situated in San Francisco with the firm accused of discrimination under class action. Some six female employees originally filed the case in 2001, but the firm never hesitated to defile the needs of women regarding promotions and payments (Cohen, 2012).

Prior Sex Discrimination Suits

The firm settled some scores of sex-discrimination lawsuit in recent years.

One of the cases the firm settled was a lawsuit filed by the Equal Employment Opportunity Commission (EEOC). The commission alleged that the retail firm denied job opportunities to female applicants at Kentucky distribution center located in London, in the years 1998 to 2005.

Nevertheless, in the current case, *Dukes versus Wal-Mart Stores Inc.*, the claimant needs to proof a much large class of the potential plaintiffs: women who worked at any of the retail distributor's stores in the United States after 1998. This class must include hourly and salaried workforce in all the locations affiliated to the retail firm and has been subject to the retail firm's allegedly discriminatory policies concerning the issues at hand, payment and promotions (Hoffman, 2011).

Wal-Mart Limited's Appeal

In June 2004, the United States District Court for the Northern District of California gave a pamphlet order that grants class certification for the equal payment claim for the claimants. Additionally, the court passed all the relief requested by the plaintiffs including the back payment, punitive damages, declaratory relief and injunctive relieves. The court further approved the promotion claim of the compliant but despised the proposed class that wanted damages for back pay. The retail firm challenged that the court trial did not correctly certify the class based case on the evidence presented. The claimants further requested the court of appeal to reassess the ruling of the trail court on the back pay issue concerning to the firm's promotion claim

(Law, 2012).

In February 2007, the United States Court of Appeals for the Ninth Circuit ruled 2-2 in support of the plaintiffs. The retail firm asked for a rehearing before the Ninth Circuit in order to address some pressing issues. The Ninth Circuit court agreed and went on with the rehearing process. After the hearing of appeal in March, a committee of the en banc panel agreed that the trial court correctly approved the class under the Rule 23 of the Federal Rules of Civil Procedure. The panel reasoned out that the court adhered to the precedent set forth in *General Telephone Company of the Southwest v Falcon*. The panel further highlighted that the court correctly consider the evidence that supports each part of the Rule 23 test (Li, 2012).

The Ninth Circuit finally certified the case as a class action, and this made the suit to include more than one million women. The Wal-Mart firm may suffer multibillion damages as cost for repaying the women. Wal-Mart may still petition to the United States Supreme Court to dispute the decision made by the Ninth Circuit and halt the class action.

On June 20, 2011, the United States Supreme Court accepted to reverse the class certification decision in the case. This came after the plaintiffs were disappointed by the divided decisions that the United States Supreme Court issued considering the reverse of class certification. The ruling erected higher barricades for women and men working to vindicate the rights of freedom from employment discrimination. The court did not address if Wal-Mart committed sex discrimination against the female workforce; rather, the ruling addressed how women must press ahead with their claims in suing the retail firm. With the rulings done, it is clear that the court did not make any

rulings, which will affect the mandate of the evidence of sex discrimination at the retail firm. The evidence became particularly strong as it was originally collected (Valderrama, 2011).

The ruling allowed women whose claim went back to December 1998 to reconsider their case with the United States Equal Employment Opportunity Commission. Many bodies concerned with the case have come out to assist women in claiming their dues. Among the bodies is the class counsel, which has received thousands of claims from current and former Wal-Mart women of the years that the employees faced discrimination. The workforce needs to understand that the ruling to be delivered by the court will not end the case, but will form as a starting force for the fight for justice within the organization (Law, 2012).

Ruling of the Supreme Court over the Sex Discrimination Case

After a long struggle of appeal by the women workforce, the United States Supreme Court made a ruling over the sex discrimination lawsuit on June 2011. Many did not believe the final ruling that the court made. As most of the workforce was available to receive their justice through the court, they were shocked to see the court siding with Wal-Mart Company.

The Supreme Court ruled for the retail firm, Wal-Mart, fights to block sex discrimination lawsuit on behalf of women working within the organization. The court ruled that the court case against Wal-Mart Stores Inc. could not advance as the plaintiff wanted. The court did not accept the fact that the claimants wanted the case to be a class action, as directed by the Ninth United States Circuit Court of Appeal in San Francisco. For the case to follow

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such rulings, it needs to involve up to 1.6 billion women. This would cost the firm billions of dollars in damages (Valderrama, 2011).

Women who filed the case did not believe the final ruling of the Supreme Court after they lost their case. What is not clear is whether justice prevailed. Nevertheless, bodies, which support the claims of women, will continue to fight for the rights of these women until the firm realizes the need for fair justice within the employment sector (Cohen, 2012).

Personally, I would say the judgment was not fair. The struggle that the women went through the need to face same remuneration as men. The government should look into the judicial system and make clarifications on how the gender law will apply. The United States government should come up with laws that protect all the sexes within the labor market. Additionally, there is a need for justice within the courts regardless of the wealth measurement of people. The same never applied in the above case, where court of appeal considered the case of the organization due to the wealth measurement. This does not reflect the justice that is needed by the people of a nation. Nevertheless, the firm had a right to protect their policies and never to spend much on damages. It was a mistake, and they need to avoid such cases in the near future, for the fate of an activity is never known.

Recommendations

The organization needs to have working guidelines that will be a proof in case of any mischief by the workforce. Under such a scenario, the firm needs to have a guideline that strictly describes the terms and conditions of the working force. The terms and conditions should include the gender

sensitivity in the working conditions. The applicant should sign the agreement before starting to work. Under such working terms, the organization will have covered up all the claims that might crop up in case of any action.

The firm should not leave employment decisions to individual decision makers. The firm needs to give the individuals clear criteria to direct them in the process of decision-making. A relevant criteria in the decision making process will reduce the cases of discrimination from personal judgment. The firm can also prevent sex discrimination in promotion by increasing candidates. When employees have no information concerning available promotions, managers may not consider qualified women for the positions. The selection process will not affect the personality rather will consider the applicants using relevant criteria. This will reduce the possibility of the firm considering a certain group of people.

References

Cohen, M. (2012). Sex Discrimination Lawsuit against Wal-Mart Allowed to be a Class Action.

Retrieved March 11, 2012, from Miller Cohen, P. L. C: <http://www.millercohen.com/CM/ArticlesAndCases/Sex-Discrimination-Lawsuit-against-Wal-Mart-Allowed-to-be-a-Class-Action.asp>

Hoffman, P. (2011). Court in Costco Discrimination Case to Employers: Don't Fight

Discrimination. Retrieved March 11, 2012, from Piper Hoffman: <http://piperhoffman.com/2011/09/22/court-in-costco-discrimination-case-to->

<https://assignbuster.com/free-essay-on-an-assessment-of-the-eeo-class-action-lawsuit-filed-against-wal-mart-for-gender/>

employers-dont-fight-discrimination/

Law, H. (2012). Over 500 Female Wal-Mart Workers File Sex-Discrimination Charges with

EEOC. Retrieved March 11, 2012, from california employment lawyers blog: [http://www. californiaemploymentlawyersblog. com/2012/02/over-500-female-wal-mart-workers-file-sex-discrimination-charges-with-eeoc. html](http://www.californiaemploymentlawyersblog.com/2012/02/over-500-female-wal-mart-workers-file-sex-discrimination-charges-with-eeoc.html)

Li, S. (2012). Female Wal-Mart employees file sex-discrimination claims. Los Angeles , 3.

Valderrama, C. (2011). Wal-Mart Suit Crosses Competition Lines in Attempt to Avoid Largest

Job Discrimination Class Action. Retrieved March 11, 2012, from fair employment legal update: [http://fairemploymentlegalupdate.](http://fairemploymentlegalupdate.com/2011/03/26/wal-mart-suit-crosses-competition-lines-in-attempt-to-avoid-largest-job-discrimination-class-action/)

[com/2011/03/26/wal-mart-suit-crosses-competition-lines-in-attempt-to-avoid-largest-job-discrimination-class-action/](http://fairemploymentlegalupdate.com/2011/03/26/wal-mart-suit-crosses-competition-lines-in-attempt-to-avoid-largest-job-discrimination-class-action/)