

# Chaline vs

Business



The court ruled that each and every person, located in any American State, has equal rights to enjoy available resources, enforce contracts and enjoy the benefits provided by existing laws. KCOH violated the rights of its employee (Chaline) by dismissing him on grounds that he did not possess the required voice quality, and at the same time, alleged him of being insensitive to the tastes of the black listeners. Since the rights of Chaline, as an employee in the private sector, had been violated, the court ordered KCOH to immediately reinstate him back to the company and resume his position as the manager of program production section and as a part time controller of disc jockey (a position which had been given to another new employee). Therefore, the court affirmed the allegations by Chaline that he was discharged by the company based on the fact that he was a white employee (racial discrimination) (Donohue, 2003).

The reason why the court ruled in favor of Chaline lies in the fact that the defendants failed to prove their allegations to why they discharged Chaline. Considering their allegations that Chaline did not possess the required voice quality, and that he was not sensitive to the tastes of black listeners, the court affirmed that the employee had been involved in preparation of commercial spots for broadcast using black voice. In most of his recordings, it was quite clear that he had mastered the black voice and idiom. The court also proved that Chaline was more qualified in terms of experience than the employee who was hired to take his position. The court actually affirmed that this was a violation of the provision of the constitution under: 42 U. S.

C. Sec. 1981 (1976) (Siegel, 2000). In my opinion, I agree with the court's ruling because it reflects exercise and practice of judicial justice. It is not fair

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to dismiss an employee or relocate him from his current position (to a low paying position), basing on allegations which are not true.

This was the highest order of racial discrimination and the employee deserved to be protected by the court (Rutherglen, 2004). Cloutier vs. Costco The civil rights Act of 1964 of the federal court protects all employers from discrimination based on religious grounds. If cloutier is in a position to prove to the court that all her tattoos, eyebrow piercing and other facial Jewellery are based on the grounds of her religion, the court is likely to favor her. Cloutier says that she is a member of the church of body modification and the practices of her facial Jewellery and piercing form part of her religion hence she can do nothing about it.

When Cloutier is advised by her supervisor to use plastic retainers so as to keep her piercing opens or cover her eyebrow piercing, she declines and says that according to her beliefs, she should display all her facial piercing throughout regardless of the time and place. She goes further to argue that the Onky accepted accommodation is enough excuse for her Costco's hair dress and it gives her full permission to wear facial expression at work. This is enough evidence to make the court consider Cloutier request to intervene in her case (Pager, 2009). Cloutier says that her facial decorations and piercing never affected her job performance in any way and any hardships that Costco is expressing are not true hence not enough reason to accommodate her religious practice. The court rules that any hardships that an employer may think of coming up by accommodating that which is never in practice, although if the employer prove undue hardship minus

undertaking the possible accommodations, the court can examine that particular hardships caused by the specified accommodation proposal.

In the case of Costco, he has only one proposal which is Cloutier continuous wearing and displaying of her body Jewellery as she requires will that is likely bring about undue hardships. This is a situation of an employee accepting no accommodation exemption from a dressing code considered neutral. This exemption is an undue hardship because it is likely to affect the employer's public image. Costco's determination to cultivate neat, clean and professional image is within its discretion. Costco fails his duty of convincing compliance hence losing control over the public image.

This loss will result to undue hardship (Pager, 2009). Novak vs. Dakota industries Novak can bring out the compliant that at one time Mackintosh happened to leave for Egypt and Novak was left in charge of Dakota industries for a whole month. During this time, she was in charge of the pay roll and preparing attendance reports, managing reports and 5 day plans. When Mackintosh returned, she had no accounting duties and was not in a position to complete management reports. Novak was always the last person to leave the plant at night and responsible for locking up the plant.

Sergeant Richard Mohr testified that he was always resisted from contacting Novak to inform her of pay increments. Novak was never warned even once before being fired while according to the firm absenteeism and tardiness disciplinary action policy; three warnings must be given orally and in written form before an employee is dismissed (Hopkins, 2001). Mackintosh denied Novak a dental replacement appointment and tells her that the teeth can be

fixed outside business hours. Novak testified that Mackintosh did not tell her that she could not see the dentist; she further teases Novak about the teeth which are missing in front of her fellow employees. Novak is threatened of loosing the job once she goes to duty training in Salt Lake City and Held Marie testified that she heard Mackintosh threaten Novak that if she goes to the army thing, she will be done.

Novak first claims that when she returned from Desert Storm, she was continuously interrupted and denied to enjoy her pay and service to the military service. It is a requirement by the company that all personnel who return from active duty should be made seniors and their salaries increased. The opposite happened for Novak and this is enough reason to succeed. Novak was entitled to lost wages and the benefits of January 24, 1992, compensated for fifteen, forty hour weeks, compensation for health insurance and she was also entitled to receive the final check of her amount (Hopkins, 2001).