

Irac brief

Law



**ASSIGN
BUSTER**

Week 5 IRAC Brief Learning Team Reflection Case Brief Using the IRAC method Case: MD Wholesale facility's two female workers alleged that they were victims of sexual harassment. They claimed that since 2008, they have been verbally and physically harassed by a male supervisor in a sexual manner, which led to a hostile work environment. According to the EEOC, MD Wholesale assumed liability for taking no initiative to stop the harassment and also took no reasonable step to end its workplace sexual harassment even after the victims alerted an assistant manager (" Marianas Variety", 2013).

Issue: Sexual harassment violates Title VII of the Civil Rights Act of 1964. As the employer of the victims, was Mariano Prime LLC dba MD Wholesale cognizant of the harassment that took place and was it required to put an end to this type of behavior?

Rule: Harassment can include undesirable sexual advances, solicitation for sexual favors as well as verbal or physical harassment that are sexually attuned. A client, employee or a customer of either male or female gender can experience sexual harassment.

Analysis: The EEOC, upon conducting its investigation, filed a lawsuit with the U. S. District Court for Guam District in September 2011 (EEOC v. Mariano Prime LLC dba MD Wholesale, Case No. 11-00029). This came after futile attempt to settle the case through conciliation process. During the EEOC's investigation, it established reasonable evidence suggesting that MD Wholesale facility breached Title VII of the Civil Rights Act of 1964 (" Marianas Variety", 2013). The case has also made apparent that there was no training whatsoever on sexual harassment, sexual assault, or reporting procedures. We can further assume that from management throughout <https://assignbuster.com/irac-brief/>

subordinate levels, were totally oblivious of the consequences due to violations of a persons civil rights.

Conclusion: MD Wholesale made a settlement with EEOC in the amount of \$77, 500 for the victims and accepted to change its policy and procedures for dealing with grievance on workplace sexual harassment. In addition, MD Wholesale is also required to retain an EEOC as a way of ensuring that their staffs are educated about their rights in light of workplace discrimination, harassment as well as retribution. Further, the company is expected to implement training program for its management to ensure compliance with future complaints. MD Wholesale agreed to offer extra training for its management and human resources personnel in order to ensure that they are capable of dealing effectively with future EEO grievances. Apart from monetary compensation to the victims, the company will also establish a centralized system for tracking complaints. The tracking system will be monitored by the EEOC to ensure that the company complies with the law and effectively handles future employee grievances.

Legal Concept in Case: Every business owner has a responsibility to protect all employees from unwanted sexual advances and harassment that can result in a hostile working environment. Allowing this type of behavior can impact the business both financially and emotionally. In order to mitigate the possibility of having to pay costs, companies need to ensure that they implement policies currently in place and to encourage employees to report unwanted sexual behaviors whether received directly or indirectly.

Training must be provided to managers and supervisors to allow recognition of such behaviors, and address them immediately to prevent the possibility of a potential situation from escalating further against the company. Failure

<https://assignbuster.com/irac-brief/>

to take action can be very costly for any business.

In the case of MD Wholesale, the company had no anti-harassment policy to deal with cases of workplace harassment. Following EEOC's lawsuit, MD Wholesale consented to change its policy on workplace sexual harassment and also alter the procedure for forwarding and dealing with employee complaints. MD Wholesale consented to offer extra training to its management as well as human resource personnel to increase their capacity to handle probable EEO complaints. On top of monetary relief offered to the victims, the company will also implement a tracking system to keep tab on future complaints. The EEOC will supervise if the company complies with the agreement and also review how MD Wholesales is bound to deal with future EEO complaints.

References

U. S. Equal Employment Opportunity Commission. (n. d.). Retrieved from [http://www1.eeoc.gov//eeoc/newsroom/release/5-24-12a.cfm?renderforprint= 1](http://www1.eeoc.gov//eeoc/newsroom/release/5-24-12a.cfm?renderforprint=1)

Guam Company will pay \$77, 500 to settle the sexual harassment lawsuit.

Retrieved from

<http://www.mvariety.com/cnmi/cnmi-news/local/46723-guam-company-will-pay-77500-to-settle-sexual-harassment-lawsuit>