

Explain how you
would apply the law
to handle this
situation

[Business](#), [Management](#)



EEOC complaints Affiliation: The Equal Employment Opportunity Commission (EEOC) is tasked with the role of ensuring that there is lack of discrimination in the work place for workers from their employers or labor unions.

Employees or prospective employees file complaints with the commission on discrimination from their employers and the case is then researched and the claims to be determined whether they are true or not in private hearing (Cihon & Castagnera, 2008).

In this scenario, the two women file separate complaints with the EEOC claiming discrimination on the basis of sex while the other on the basis of national origin as she was a Hispanic and they were both women. Such discriminations fall under the law title “ Title VII of the Civil Rights Act of 1974” which deals with prohibition of discrimination based on sex, race, color, religion and national origin. It is located in volume 42 of the United States Code from section 2000e (Cihon & Castagnera, 2008).

In the scenario, the three candidates were all qualified to handle the position of assistant manager but only one got the position. There were two women and one man and the man got the job. Filing of a sex discrimination charge is not really viable the female who were two were the majority sex and the man who was the minority sex was the one who was picked for the position. The sex-based discrimination definition from the EEOC indicates that it involves treating someone unfavorably because of that person’s sex but this was not the case in the scenario.

Section 2000e-1 [Section 702] (m) under the subtitle of “ impermissible consideration of race, color, religion, sex or national origin in employment practices (Cihon & Castagnera, 2008)” explains that any claim of unlawful

employment practice such as the one made by the two women interviewees who are the complaining parties have to demonstrate the discrimination they claim was the motivating factor for the interview results. This is carried out in order to rule out other motivating factors that may have led to the interview outcome. The two women have to provide evidence that the third candidate who was a man and who got offered the job was given to it purely because he was a man and he was white. According to the scenario, he was simply offered the job because he played golf with the manager and was his friend but not because of his race or national origin as the discrimination charges indicate.

Further, the company can justify the employment of the man as an assistant manager using Section 2000e-1 [Section 702] (h) of the law Title VII of the Civil Rights Act of 1974 under the subtitle of “ seniority or merit system... (Cihon & Castagnera, 2008).” In this subsection of the law, it is completely lawful for an employer to use the seniority system to base interview results on as they represent quality and quantity of production. The man was 50 years old with an experience of 20 years which means that he could perform the role of supervision of employees as an assistant manager better than the other two candidates on of who was overqualified for the position and the other lacked experience.

References

Cihon, P. & Castagnera, J. (2008). *Employment and Labor Law*. New York: Cengage Learning.