

# Racial discrimination



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of the Myrick v. Aramark Corporation and Allen vs. Potter Cases of Racial Discrimination In the developing era of globalization, many issues concerning the clashes of many different nations from different racial and cultural backgrounds have been encountered by people in the global world. Racial discrimination has long been argued to be wrong and anti-humanistic. Using racial differences in terms of skin color, language used, and other distinct physical features as basis in employment assessment and issuance of benefits are not lawful and proclaimed to be unethical and immoral. All human beings despite of color and nationality have equal rights to freedom (The Universal Declaration of Human Rights Article 2). Internationally, proclamations against racism and other forms of discrimination are done by considering such as acts of violation against the universal human rights. Thus, in the United States, under the Equal Rights law, discrimination on the basis of race, skin color, and national origin is prohibited (Civil Rights Acts of 1964). The objective of this paper is to examine cases concerning racial discrimination and to analyze the justifications made in their trials. In relation to the case, legal issues about racism and related matters will be discussed. Two cases will be examined and analyzed to further understand anti-racial discrimination issue on the basis of law and other legal matters. Also, a discussion of the significance of considering racism issue in workplace will be highlighted. Racial discrimination in all forms is regarded unlawful and unconstitutional based on the Civil Rights Act of 1964. Issues concerning racial segregation in workplace, schools and other public facilities are addressed in several amendments and proclamations in the said act (Civil Rights Act of 1964). In addition, discrimination in by denying individuals of their rights and benefits in employment and the like on the grounds of race, <https://assignbuster.com/racial-discrimination/>

gender, age and religion are outlawed (Civil Rights Act of 1964 Titles II-IV). Thus, racial discrimination as specified in the legislation will be marked unlawful and unconstitutional. In business arena, the importance of applying the laws when it comes to managing people in the workplace must be established (Katz and Moore 13-16). In doing so, such appropriate practice will help not only the employees but also the employers themselves. Myrick v. Aramark Corporation The plaintiff named Ida Myrick, an African-American, filed a suit against Aramark Corporation complaining discriminatory treatment of the company against her on the basis of race, sex and her pregnancy which violated her rights in accordance with the Title VII of the Civil Rights Act of 1964, 42 U. S. C. In summary, Myrick was terminated by her employer which according to them due to the plaintiff's non-compliance on the company's rules patterned from Family and Medical Leave Act (FMLA). However, the complainant argued that she made all the necessary documents for her leave and that her absence was in accordance with FMLA. Due to medical reasons, Myrick was advised by her doctor after giving a caesarean birth to her baby ten to twelve weeks rest and thus, leave from her work. In her absence, the Aramark sent Myrick a notice explaining the regulations on employees' leave of absence. Myrick was replaced then by Cervantes, not an African-American woman, who as testified by Myrick's supervisor named Yore is not performing very well compared to Myrick. In the hearing, though Myrick enumerated reasons and evidences against Aramack, the court stated that Aramack complied with the civil rights act and FMLA. Once again, Myrick argued that the decision to terminate her employment was based on her race and sex as she particularly pin-pointed Yore to be acting and speaking discriminatorily against African-American.

She also said that other employees in the company do have leave and benefits that she also deserves. However, as the hearing went on, Aramack in defense to Myrick account, stated that “ Myrick wanted a benefit which neither she nor any other employee was qualified to receive, i. e., leave of absence over and above the 12 weeks of leave guaranteed under the FMLA along with guaranteed reinstatement rights to her job” (N. D. Illinois).

Because of the stated reasons, the court ruled in favor of Aramack. The lack of evidence of the plaintiff in this case is I think what made her lose the case.

However, the court ruled fairly as testimonies and documents have been weighed and considered in the hearing. *Allen vs. Potter* The plaintiff, Catherine Allen with six others filed a discrimination complaint against the United States Postal Service (USPS). The plaintiff contends hostile work environment and race discrimination claims. In the case, she attests that the USPS obligated her and other co-workers to work in a metal structure, “ a cage”. In the complaint, Allen further stated that only darker skinned African-American staffs were required to work in the metal enclosure (USCA 04-31179). The white employees and the lighter skinned African American staffs were not required to work in the cage. Moreover, co-workers throw peanuts and bananas at them while they were working. Also, in the complaint, someone put a sign, “ Do not feed the animals” beside the work area. It was also stated in the affidavit that at least two supervisors were aware of what went on. They even claimed to be laughing at them while she and others worked in the cage. In response to the complaint, the USPS filed a motion to dismiss the case for lack of evidence and a failure to state a claim.

Alternatively, a motion for summary judgment was filed as to claims about unequal treatment and hostile work environment. The district court granted

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USPS motion to dismiss the plaintiffs' claim of disparate treatment and hostile work environment by reviewing the basis of such claims. Given an analysis of the discrimination elements, the court stated gave Allen et al chance to prove that they were discriminated; that is, "(1) they belong to a protected group; (2) they were subject to unwelcome harassment; (3) the harassment complained of was based on race; (4) the harassment complained of affected a term, condition, or privilege of employment; and (5) the employer knew or should have known of the harassment in question and failed to take prompt remedial action" (Court of Appeals 5th ct). However, complainants failed to raise evidence that their employers (supervisors) created a hostile work environment and purposely discriminated them. Thereafter, the complainants soon admit the signs were removed by a supervisor who reprimanded the staffs for making derogatory comments. Thus the court concludes that the plaintiffs were not able to prove that management had knowledge about the incident and failed to take action accordingly. In the end, summary of judgment was granted by the district court. The court's decision about this case is startling because the part about the supervisors' laughing at the appellants in Allen's statement somehow is not much considered. However, like in the first case discussed here, we can see that issues and suits concerning racial discrimination are hard to define and prove in the court. In the particular case, we can imagine how the plaintiffs feel with regards to the experiences they had as employees of the said company. In business establishments, it is important that both the employer and the employees know the law, particularly those related to their rights and obligations in whatever positions they have. Knowing the rights of the people in the workplace will reduce conflicts and will ensure better

growth in the office socially and economically. In the two cases discussed, we can see how racial discrimination issues were being analyzed and studied in legal process. The decision-making in court was too complex but must be clearly based on particular legislations so that the judgment will be fairly ruled. Today, racism and other discrimination issues are being talked about more openly as people become more aware of the ethical and moral grounds of it. In legal matters, it is very important to cite laws and international acts that will support the battle against acts of racism towards the discriminated population. Looking at the cases discussed as they become the landmarks of amending civil rights acts, we can see how proper and fair investigation about the cases will help the process and the ruling more just. These cases contributed to the modifications of human rights laws and thus must be significantly studied and understood. Works Cited Allen v. Potter., 5th Cir. 2005 - Federal Circuits - Docket Number: 04-31179 - United States Court of Appeals Fifth Circuit Civil Rights Act of 1964. Retrieved from <http://www.usccr.gov/>. Katz, J. and Moore, K. Racism in the Workplace. OD Practitioners' Role in Change. OD Practitioner Volume 36 No. 1, 2004. Myrick v. Aramark Corp., 2004 U. S. Dist. LEXIS 7301, 2004 WL 906176, (N. D. Ill. 2004) United Nations. The Universal Declaration of Human Rights. Retrieved from <http://www.un.org/en/documents/udhr/index.shtml>