

Employment law essay sample

[Business](#), [Employment](#)



Local 28 vs. EEOC

1. Is it clear to you why a court would be able to include in its remedies those who were not directly discriminated against by any employer? Yes, it is clear to me how and why the judge was able to include those who were not specifically directed by the company's actions to be included in the outcome of the ruling. Title VII was put in place to help protect minorities in the workplace and those in search of employment. This Act which was passed in 1964, prohibits discriminations in regards to the process of hiring, firing, and training, promoting and discipline along with the advertisement of open positions. This Act also includes any workplace decisions that are based on an employees or an applicant's race, gender, national origin, or religion. The Title VII Act goes as far as including hiring, pay, and the terms of employment, available training layoffs and benefits. The Local 28 Steel Metal Workers had their hiring and promotion system worded and set up so that only white males would be interested, accepted and feel comfortable in applying for the apprenticeship position along with the ability to move up the union ladder into the union and journeymen position.

The goal of the apprenticeship was to find themselves in the local 28 union. This process was set to up to discourage minority's (specifically black males) from applying. Thus the sheet metal group local 28 was not only in violation of the Title VII Act but also the Equal Employment Opportunity Commission (EEOC), The court system (attempted) to step in to make the sheet metal workers union of local 28 compliant with the (EEOC) and the Title VII Act without success as eighteen years the steel workers were still not compliant with the courts orders. 2. If you were the court and still trying to get the

union to comply after 18 years after the fact, what would you have done? For starters I would immediately impose fines. I would deny any request for reviews that the steelworkers and the union may purpose. I would mandate a third party be brought in to help re-write job placement and apprenticeship advertisement for employment the local 28 steel workers. The verbiage must be so that they were not leaning towards one race over another making sure there were positions that were set aside strictly for non-white employees. A non-partial manager would be brought in to lead and enforce the Title VII Act and EEOC rules.

The new leadership needs to figure out how to make and fill at least twenty-nine percent of the positions with non-white individuals to be in compliance. For those with in the union who are still being uncompliant there would be a disciplinary action plan put in place immediately, All verbal or written warnings would bypassed any as local 28 had eighteen years to remedy this particular situation and we are once again dealing with it. The disciplinary action plan would go straight to suspensions. Being as this is a union that is being dealt the first suspension would consist of a week suspension with full pay, second suspension would be half pay and third suspension would be no pay. I tried to find out if the court has the power to completely to overrule a union if so any employee who had three suspensions and still was being non-compliant would be fired. If this was not possible then every time their suspension be longer with up to a maximum of a year at a time. While these individuals are on suspension then another individual may step in and fill his empty position within the steel company until the employee has returned.

3. As an employer, how could you avoid such result?

As an employer of the labor 28 steel metal workers union I would make sure that I complied to the court order as it would not be beneficial for the company to be in contempt of court. The judge ordered that twenty-nine percent of the union membership be made up of non-white individuals. I would make sure that this was done or at the very least have documentation to show that there was steps being made to hire non-white males. This could include propoganda that was aimed at the community to welcome the non-white individual's interest in the company. Documentation of those who have applied and interviewed with the company to show the diverse dynamics even if they were not hired but show a detailed reason as to way they were not a good fit for the position. If I was in the position of leadership (which of course I would have been a man as females were not yet in these roles) then I would mandate that all of the other employees adhere to the sanctions that had been put forth knowing that if we did not comply then the judge can levy fines or new curt order of any kind. Being as this is a building trade many cities would come to a project-labor agreement as the judge has done with this stating that x amount of individuals working on the project are minorities. This maybe hard to do if the company is located in a prodomnitaly while geographical area. This is when the documentation would come in handy.

References

Bennett-Alexander, D., & Hartman, L. (2009). *Employment law for business*. (6 ed., pp. 247-249). New York, NY: McGraw-Hill/Irwin.