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Race Discrimination: African-American Nurse Has Grounds To Sue Employer, Court

An African-American home health nurse sued her employer for race and gender discrimination.

The US District Court for the Southern District of Georgia ruled she had grounds to sue. In making its ruling the court reviewed the general principles of law that apply to employment discrimination cases in general and race discrimination cases in particular.

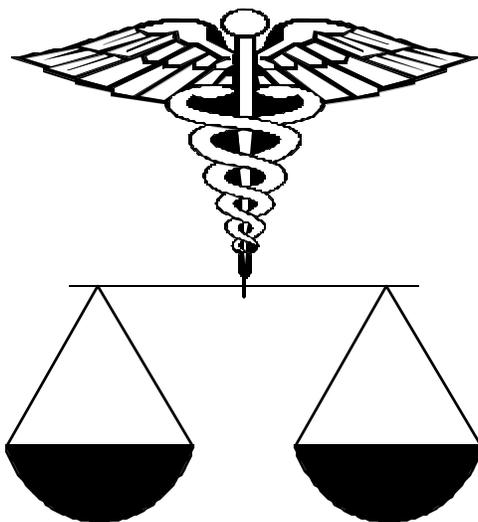
Employment Decision-Maker

The most important factor in any discrimination case is the state of mind of the employment decision-maker who made the decision being scrutinized. Was the decision-maker motivated by bias against a person who by law is protected from discrimination, such as a racial minority or a disabled person or a person over forty years old?

The other side of the coin is that the courts generally only look at the state of mind of a decision-maker. It is not important to look at the attitudes of co-workers of equal rank or management-level persons who have no say in employment decisions affecting the employee in question.

Circumstantial Evidence

In most employment discrimination cases, the victim has no direct evidence of the employment decision-maker's state of mind. A victim usually must



The nurse had direct evidence of racially discriminatory intent, as opposed to most legal cases where the victim has to make do with only circumstantial evidence.

Racist remarks by an employment decision-maker are direct evidence of intent when a decision is called into question that adversely affected a minority group member.

UNITED STATES DISTRICT COURT,
GEORGIA, 2000.

rely on circumstantial evidence to prove discrimination.

Is the victim a member of a protected class? Protected class is the legal term for racial minorities, women, persons over forty, etc. Was the victim treated adversely? And was the victim treated differently than a person outside the protected class?

If the answer to all three questions is affirmative, the courts see circumstantial evidence of discrimination. The employer then must come forward and disprove the circumstantial evidence of discrimination or the employee wins the case in the end.

Employers can try to prove the employee was guilty of misconduct, or less qualified, or that there was some other legitimate non-discriminatory reason for taking adverse employment action.

Employers often do prevail in the final analysis, even when the case started off with a plausible circumstantial case of discrimination.

Direct Evidence

Although it is unusual in cases still being filed in this day and age, when there is direct evidence of discrimination the victim does not have to jump through any legal hoops trying to prove a circumstantial case of discrimination.

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