

BOTH SIDES UNHAPPY WITH RULING ON RACIAL DISCRIMINATION IN THE WORKPLACE



Six current and former African American employees working at a steel mill in Arkansas sued a company for racial discrimination. The judge ruled in favor of both parties for separate claims, and at trial, the plaintiffs were awarded a monetary compensation. Nevertheless, both sides contested the ruling. The Nucor Corporation is a steel manufacturing company with its headquarters located in North Carolina and numerous production plants throughout the United States. Each of the six plaintiffs in the case worked at a production plant in Blytheville, AR, where several hundred employees of the company operate two steel mills. The plaintiffs also worked together in the same department, the roll mill, where metal is formed into steel beams. The plaintiffs claimed unfair treatment in the workplace, as well as “disparate impact theories of liability,” the latter claim which questions “practices that are not intended to discriminate but in fact have a disproportionately adverse effect on minorities.” The plaintiffs’ allegations asserted that Nucor would neither promote the workers nor afford them training and abided by a “racially hostile work environment.” The men additionally claimed that other employees used racial slurs, racial graffiti often adorned bathroom walls, and Confederate flags were clearly shown at the facility, including such flags sold at the company’s onsite store. Other evidence to support the allegations involved black employees derided on the plant’s radio system and a particular occurrence of a mock-lynching of a rubber chicken near a black employee’s work station. The plaintiffs made a motion for class certification, in which, as a class action, the suit would have been on behalf on a large group of employees working at Nucor. The judge, however, denied this motion, not believing that the plaintiffs had provided sufficient evidence that their experiences at the company was comparable to employees working in other departments at the facility. Summary judgment was granted in favor of Nucor on the disparate impact claims, as well as some of the claims of prejudicial treatment. Other claims were “voluntarily dismissed.” The case moved to trial on the allegations of a hostile work environment and one employee’s claim of employer retaliation. The retaliation claim was ruled against the employee, but the jury awarded each plaintiff 100,000 dollars in compensatory damages and 100,000 dollars in punitive damages. Both parties appealed the decision. Nucor contented evidence that it believed should not have been admitted at trial, including a 1995 complaint against the company by the Equal Employment Opportunity Commission (EEOC), a 2002 letter from the company’s employees to EEOC, and employee affidavits collected by Nucor, anticipating litigation in 2003. Nucor claimed such evidence was hearsay. The plaintiffs challenged the judge’s denial for a class certification and the ruling in favor of Nucor on the claims of unfair treatment and disparate impact. The Court of Appeals agreed with the initial decision and affirmed the district court’s judgment.