

July 2007 - Article Published in Lifestyles Magazine

U.S. Supreme Court Decides Pay Discrimination Case

by: Joette S. Doran, J.D.

Recently, the United States Supreme Court considered whether a female employee had an actionable claim of pay discrimination based on gender discrimination under Title VII. The Court considered whether Lilly Ledbetter, a female employee who had worked for Goodyear Tire & Rubber for almost 20 years, had a valid discrimination claim based on the discriminatory pay decisions she had suffered earlier in her career. She alleged that because several supervisors had given her poor evaluations her pay was not increased as much as it would have been throughout the course of her career had she been fairly evaluated. As such, she argued that at the time she retired she was compensated at a much lower rate than comparable male employees. Because the law requires a Charge of Discrimination under Title VII to be filed with the Equal Employment Opportunity Commission within a prescribed period of time, the Court considered whether her claims were valid even if some allegations occurred outside the statutory period for filing a discrimination charge.

Arguing that her claims were timely, she claimed that each subsequent paycheck gave present effect to the discriminatory evaluations and therefore also constituted actionable discrimination. The Supreme Court rejected her argument and held that an otherwise nondiscriminatory act does not become discriminatory merely because it might reflect the adverse effects of past discrimination. The decision has been welcomed by employers as a valid interpretation of the statute which requires employees to timely bring claims of discrimination. To the contrary, employee rights advocates argue that the 5-4 decision, authored by Justice Samuel Alito, represents a significant step backward for equal employment opportunity and side with the dissenting opinion of Justice Ruth Bader Ginsburg who wrote that the majority opinion ignores the realities of the workplace and wage discrimination which makes it difficult for employees to discover unequal pay in the workplace. For further information, please visit our web site at www.joettedoran.com.

This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.

MS. DORAN IS LICENSED IN ILLINOIS, ALL ILLINOIS FEDERAL COURTS AND IS A MEMBER OF THE FEDERAL TRIAL BAR. SHE IS THE PAST CHAIRPERSON OF THE EMPLOYMENT LAW COMMITTEE FOR THE NORTHWEST SUBURBAN BAR ASSOCIATION AND IS THE PAST PRESIDENT OF BARRINGTON AREA PROFESSIONAL WOMEN.