

ANALYSIS OF RACIAL DISCRIMINATION IN EMPLOYMENT CASES

By



FACTUAL BACKGROUND (1)

- Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to discriminate against any individual based on their race, color, religion, sex, or national origin.
- "The unemployment rate among nonwhite workers is twice as high as among white workers."
- "Nonwhite workers tend to be channeled into unskilled kinds of work."
- "Employment discrimination perpetuates poverty."
- "Automation is eliminating many semiskilled and unskilled jobs and is raising qualifications necessary for skilled jobs."
- "The right to be free from discrimination in employment was not comparable to...voting rights, public accommodations, and school desegregation... employment discrimination never became a first-class problem in the legislature." Chuck Henson, *Title VII Works – That's Why We Don't Like It*, 2 U. MIAMI RACE & SOC. JUST. L. REV. ISS. 41 (2012)

FACTUAL BACKGROUND (2)

- The Michigan Legislature passed the Elliott-Larsen Civil Rights Act (ELRCA) in 1976. The ELCRA (with several later amendments) makes it unlawful for an employer to discriminate against any individual based on their religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

LEGAL BACKGROUND

- Nearly every court analyzed the Plaintiff's claims using the "*McDonnell-Douglas* burden-shifting framework," which consists of 4 factors that a plaintiff is required to prove:
 - (1) "She belongs to a protected class,
 - (2) she suffered an adverse employment action,
 - (3) she was qualified for the position, and
 - (4) the job was given to another person under circumstances giving rise to an inference of unlawful discrimination."
- Establishing the 4th factor depends on the allegations of the case. "[The plaintiff was] replaced by someone outside the protected class or treated differently than similarly situated employees from outside the class.").

PAPER BACKGROUND

- **120 cases** where an employee (“Plaintiff”) alleged racial discrimination against their employer (“Defendant”), ranging from **January 2013** to **October 2024**.
- Six key factors from all cases were analyzed for this paper: (1) **Date** of decision, (2) **Race** of the Plaintiff, (3) The final “**Incident**” that the court ruled on, (4) Whether the deciding court was a **State** court or a **Federal** court, (5) The **District** of the Federal court where the case had been decided, and (6) Whether the **Final Verdict** in the case had been decided in the Plaintiff or Defendant’s favor.

EXAMPLE CASE



- *Roseman v. Sam's East, Inc.*
- (1) Date?
- (2) Race?
- (3) Reason?
- (4) Federal or State Court?
- (5) District or Appellate Court?
- (6) For or Against Plaintiff?

- (1) March 5, 2020
- (2) Black
- (3) Termination (Constructive Discharge)
- (4) Federal Court
- (5) U.S. District Court for the Eastern District of Michigan
- (6) Against

NOTE BEFORE ANALYSIS

- No case was included or excluded based on the merits. The case with the strongest evidence is treated equally to the case with no evidence in the analysis.

ANALYSIS (0) – AGENDA

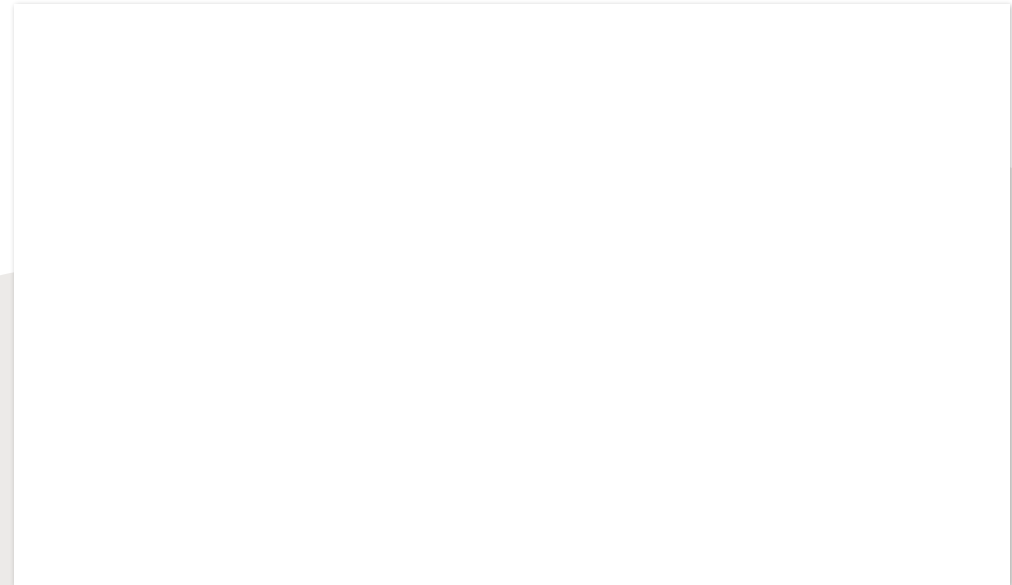
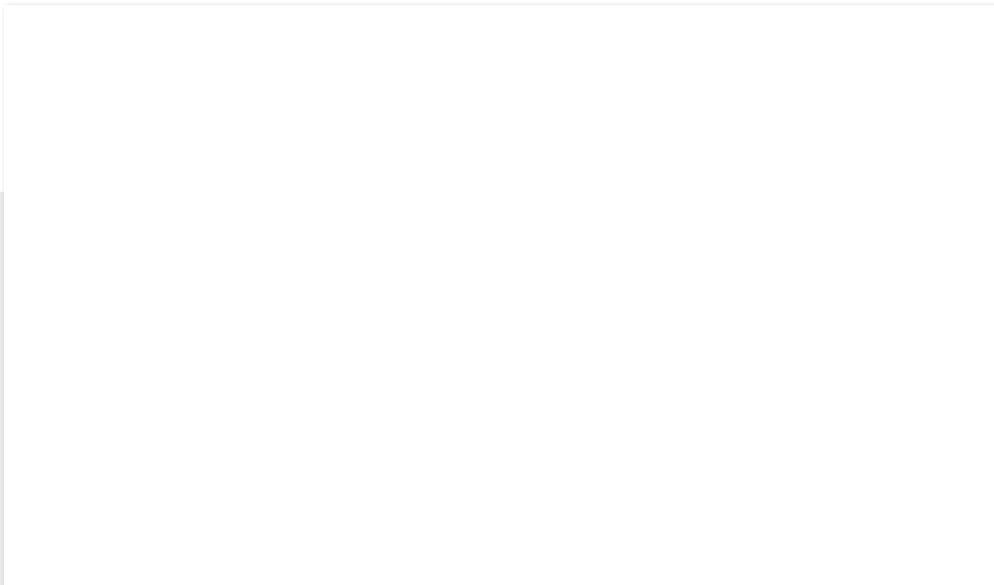
- 1. Year-by-year comparisons
- 2. State and Federal Court comparisons
- 3. Federal District v. Federal Appellate comparisons
- 4. Reason for Lawsuit comparisons
- 5a. Race of Plaintiff comparison
- 5b. Data within Racial Data (Yearly + Reason)
- 6. Conclusion + Discussion (Depending on time)
- 7. Table of Contents

ANALYSIS (1) – CASES PER YEAR

- The first six years (2013-2018) of the dataset totaled fewer cases than the latter six years (2019-2024).
- 56 Cases from 2013 to 2018
- 64 Cases from 2019 to 2024

ANALYSIS (2) - CHANGES OVER TIME

- For the cases ending during 2013-2018, 20% of the verdicts were for the Plaintiff (11 of 56).
- For the cases ending during 2019-2024, 30% of the verdicts were for the Plaintiff (19 of 64).



ANALYSIS (3) – TOTAL STATE & FEDERAL COURT CASES

How many of the cases from the dataset were decided by a state court?
A federal court?

Where were the federal cases decided?

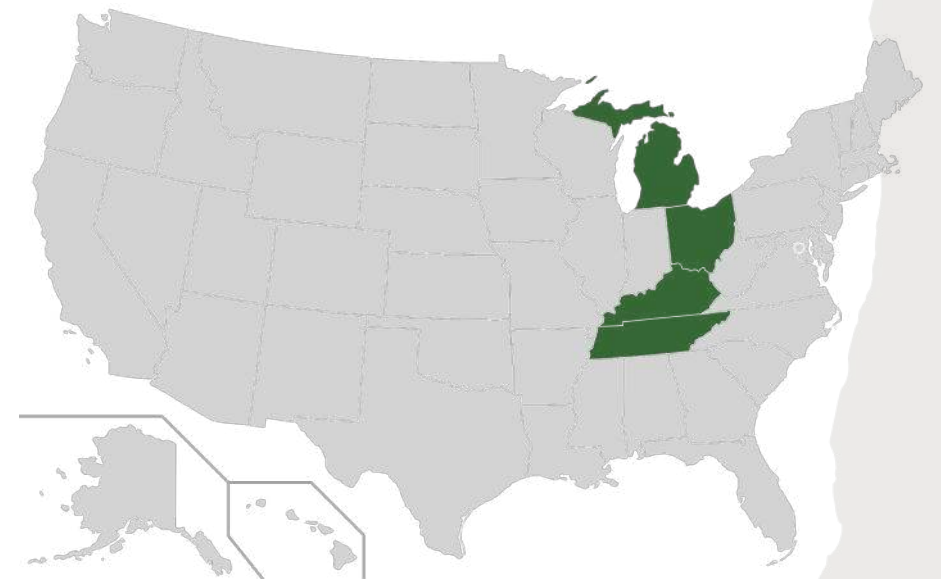
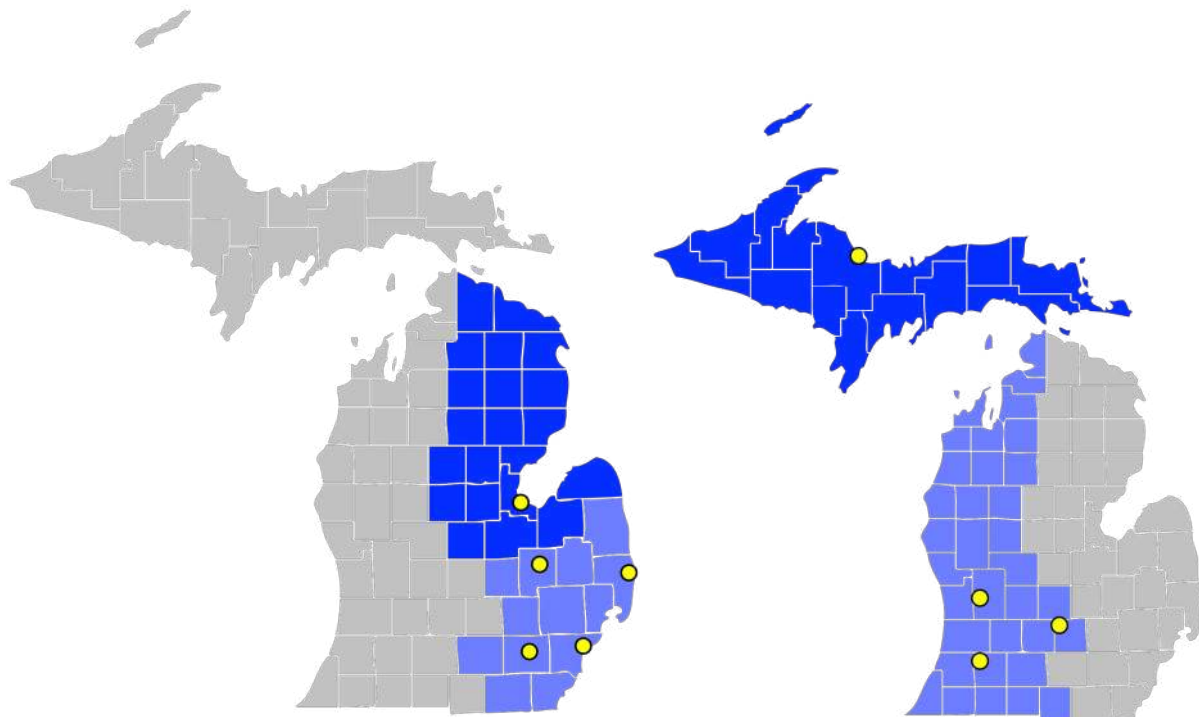
ANALYSIS (4) – STATE V. FEDERAL COURT

How often do Michigan's state courts decide in the Plaintiff's favor?

How often do Michigan's federal courts decide in the Plaintiff's favor?

Do the specific federal courts differ in their outcomes?

ANALYSIS (5) – DISTRICT V. APPELLATE

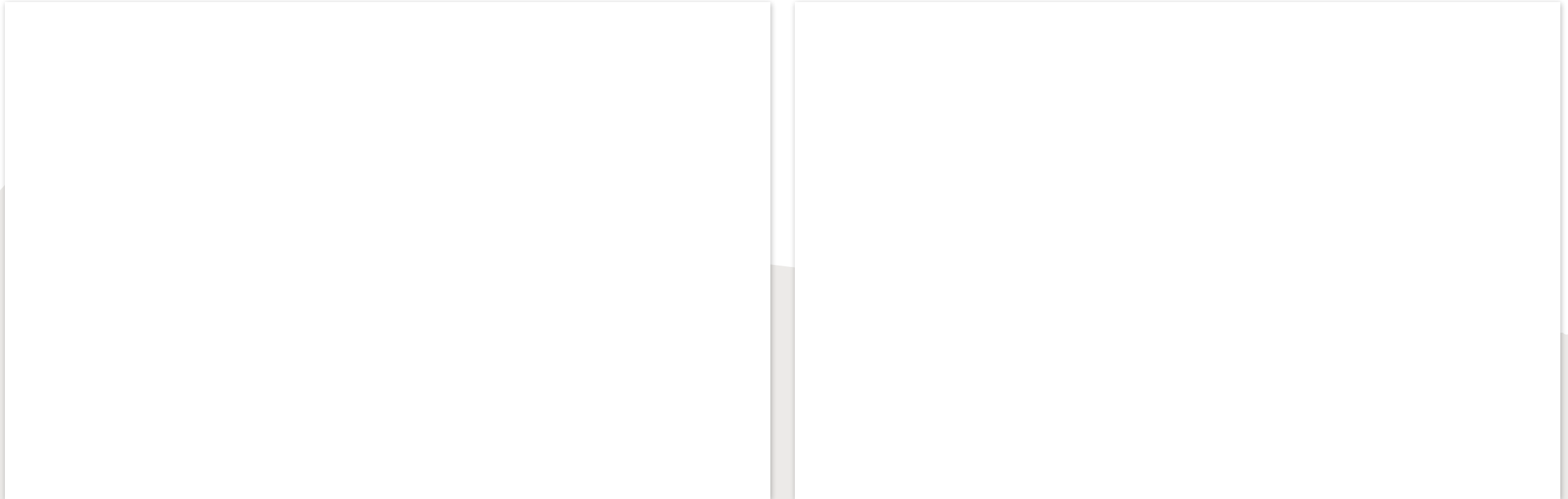


ANALYSIS (6) – PERCENTAGE OF VERDICTS PER REASON OF LAWSUIT

ANALYSIS (7) – TOTAL CASES PER RACE

- 1.) 83 Black Plaintiffs
- 2.) 25 White Plaintiffs
- 3.) 4 Arabic Plaintiffs
- 4.) 4 Hispanic Plaintiffs
- 5.) 2 Native Plaintiffs
- 6.) 1 Asian Plaintiff

ANALYSIS (8) – CENSUS DATA V. DATASET



Given that an overwhelming majority of the dataset is from Black and White Plaintiffs (91%), the subsequent analysis will consist of direct comparisons between the two.

ANALYSIS (9) – OUTCOME BY RACE



ANALYSIS (10) – RACE AND REASON

BLACK PLAINTIFFS

WHITE PLAINTIFFS

ANALYSIS (11) – RACE AND TIME, 2013-2018

ANALYSIS (12) – RACE AND TIME, 2019-2024

CONCLUSION + DISCUSSION

- Before conducting the research for the paper, I hypothesized that the Election of Donald Trump in 2016 and the Black Lives Matter protests in 2020 were going to alter the outcomes of racial discrimination lawsuits.
- Did they? Possibly.
- It would be unruly to make definitive conclusions based on the data I found, but we can make some inferences based on the change over time.
- We know that Plaintiffs succeeded 10% more often and Black Plaintiffs succeeded 17% more often.
- This data can leave us feeling hopeful that racial discrimination is being taken more seriously by our justice system, even if it is not perfect.

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