

Race Bias: Court Sees Hostile Work Environment.

The US District Court for the Western District of Missouri accepted some of the allegations and overruled others in an African-American aide's race discrimination lawsuit.

Racially offensive comments toward the plaintiff or other minorities, if not isolated incidents, can create a hostile work environment and can give the plaintiff grounds to sue for discrimination under Title VII of the Civil Rights Act.

UNITED STATES DISTRICT COURT
MISSOURI

November 5, 2007

Differential Work Assignments

The aide alleged the nursing home had an "easy" wing for its ambulatory low-maintenance patients and a "difficult" wing for its dependent, heavy-care patients. The easy wing, she claimed, was staffed by Caucasian employees and the difficult wing by African-Americans. On top of that, the difficult wing was often left understaffed when staff were pulled away to help out on the easy wing.

If that was true, the court said, it would be a differential employment practice based on race, that is, discrimination. However, there was no solid evidence to support the aide's case on this point, the court ruled.

Racially Hostile Work Environment

The aide also claimed that racial jokes and offensive racial epithets were widely used by her supervisors and co-workers.

The court agreed that offensive verbal remarks can create a racially hostile work environment. A hostile work environment is one of the forms that discrimination can take. **Perrotta v. White Oak Manor, 2007 WL 3312164 (W.D. Mo., November 5, 2007).**