

# Pressure to 'Balance' staff may show reverse discrimination

Are you under pressure to make your work force better reflect the racial or ethnic composition of the surrounding community? If so, be aware that manipulating hiring or promotions to achieve that goal at the expense of any particular race may mean a reverse discrimination lawsuit.

*Here's how it could happen:* A manager tells his supervisors he'd like to see more blacks or Hispanics as employees. Then one of the supervisors demotes a white employee in order to open up a slot. That's a big mistake.

**Recent case:** Gerald Rioux is a white firefighter who was demoted for violating a work rule. He allegedly shook a fellow firefighter while berating him for not getting to a fire fast enough. Rioux sued, alleging anti-white bias.

He claimed that the supervisor had already discussed a plan to get more blacks promoted and kept a spreadsheet showing the racial composition of the work force and the area demographics. The same supervisor also allegedly spoke to a black firefighter about a promotion into Rioux's slot if Rioux was demoted.

There also was evidence that political pressure had been applied to encourage a more diverse work force, representative of the community the fire department served.

According to the 11th Circuit Court of Appeals, Rioux had enough evidence to take the case to trial, except for one major problem: He had failed to sue under Title VII. The case was dismissed. (*Rioux v. City of Atlanta*, No. 07-11657, 11th Cir., 2008)

**Final note:** Encourage a more diverse work force pool by recruiting more widely, not trying to get rid of existing employees. HR should ask questions if an employee is suddenly demoted, and another employee belonging to a protected class is pushed into the opening. Make sure the demotion was justified.