

Discrimination settlement exposes gender bias at Bank of America

Written by Australian Business

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The financial sector has long been a reputed "boys' club." A recent Bank of America settlement of gender discrimination claims at its Merrill Lynch brokerage unit illustrates this culture. Some of the alleged practices have been around for decades.

The women alleged that the company favored male financial officers. Women were passed over when it came to lucrative, career-making client assignments. They were also less likely to receive promotions. When women complained about the treatment, they suffered retaliation. Imperceptibly diverging perks for men and women added up over the years.

As part of the settlement, the company will pay \$39 million to women who worked at the bank between 2007 and 2013. In addition, an "applied organizational psychologist" will review company policies, including the formation of teams and sharing of customer accounts. One problem is the freedom of senior partners to assemble teams without oversight or a standardized selection process. This may lead to a pattern of discrimination that is not always obvious or intentional.

This was not the first time the firm faced complaints from female employees. In 1998, female employees brought a discrimination suit. The company promised to implement diversity initiatives, but apparently little changed.

Gender bias is difficult to spot and compounds over many years as careers and compensation packages diverge. Another type of gender discrimination is often more overt. Sexual harassment can make a workplace unbearable

Sexual harassment, a form of sex discrimination, includes many types of conduct and violates Title VII of the Civil Rights Act of 1964. From unwelcome sexual advances to explicit jokes or inappropriate touches, this behavior can lead to an uncomfortable and hostile work environment.

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It is not necessary that the person making the advances or comments be of the opposite sex or in a supervisory role. Sexual harassment does not always lead to an economic injury, but sometimes it will drive an employee to quit a job.

Generally, the first step is to tell the harasser to stop the offensive behavior. If this does not work, then the employer's complaint process should be followed. Most employers have policies in place to prevent sexual harassment in the workplace.

In a recent Equal Employment Opportunity Commission investigation, a woman complained that her supervisor was using the company security system to stream footage of her breasts and body to his computer. She complained to another supervisor, but the company did not prevent it from happening again. The employee ultimately quit.

Cameras are ubiquitous in the workplace and constant monitoring by a boss that may tie in with a sexual fantasy is a blatant violation. In a lawsuit, the woman seeks back pay, compensatory and punitive damages.

Whether denied opportunities based on your gender or confronted with sexual harassment at your workplace, contact a skilled employment attorney to discuss the situation. Gender discrimination cannot be tolerated in the workplace and remedies are available.