CASE 2. *Sing's Chinese Restaurant*

The Bali Hai Corporation started as a small Chinese restaurant in Boston, Massachusetts, in 1959. The restaurant was an exact replica of a Chinese pagoda. Over the years, the restaurant, owned and managed by Arnold Sing, became known for its food and atmosphere. Customers were made to feel as if they were actually in China. In the last few years, Sing decided to incorporate and open other similar restaurants throughout the country. Sing, who had come to the United States from China in the early 1940s, was very strict in keeping up his reputation for good food and atmosphere. He had a policy of hiring only waiters of Asian descent. He felt this added to his customers' dining pleasure and made for a more authentic environment. For kitchen positions, though, Sing hired any qualified applicants.

About a year ago at Sing's Bali Hai in Washington, DC, there was a shortage of waiters. An advertisement was placed in the newspaper for waiters, and the manager of the store was instructed by Sing to hire only Asians. The manager was also reminded of Bali Hai's commitment to a reputation for good food and atmosphere. Two young men, one black and one white, both with considerable restaurant experience, applied for the waiter's jobs. The manager explained the policy of hiring only Asians to the young men, and he also told them he could get them work in his kitchen. The two men declined the positions and instead went directly to the area Equal Employment Office and filed a complaint. Sing's defense was that the policy was only to preserve the atmosphere of the restaurant. He said the Asian waiters were needed to make it more authentic. Sing also added that he hired blacks, whites, and persons of other races for his kitchen help.

Questions

1. Is Sing's defense a good one under the law? Why or why not?
2. Is Sing's defense a good one under the standards of morality? Why or why not?
3. Is this a case of "preferential hiring"? Or "reverse discrimination"?

CASE 3. *Kaiser Aluminum and the United Steelworkers*

In 1974 the United Steelworkers of America, a labor union, and the Kaiser Aluminum & Chemical Corporation made an agreement seeking to solve an overwhelming racial inequality in the Kaiser workforce. Before the deal was struck fewer than 2 percent of the skilled workers at a Kaiser plant in Gramercy, Louisiana, were black. This was despite the fact that nearly 40 percent of the Gramercy area workforce was black.

Previously, Kaiser had hired its *skilled* laborers with experience from outside of the company. In an effort to correct historical inequalities of treatment, the company decided to begin a training program for skilled positions by recruiting directly from and providing

This case was prepared by Patrick James Connolly, who drew on U.S. Supreme Court documents.

training for *unskilled* Kaiser employees. It was agreed that those with the most seniority at the plant in Gramercy would be accepted into the program with the condition that at least half of the employees accepted would be black. In the agreement it was stated that this preferential treatment of black employees would be discontinued once the percentage of skilled black laborers at the Gramercy plant reached the level of the percentage of blacks in the Gramercy area's workforce.

In the year the program began, 13 workers from the Gramercy plant were chosen for the job training program. Of these, seven were black and six were white. However, two of the black workers chosen had less seniority than several white workers who had applied to and been rejected from the program. Brian Weber, a white worker, had not been selected, though he had more seniority than some of the black workers selected. Weber thought this was unfair treatment and filed a lawsuit.

Weber alleged that his civil rights had been violated and that, as a result of his race, he had been discriminated against. He claimed that this was illegal under Title VII of the Civil Rights Act and under the Fourteenth Amendment. In a 5–2 vote, the U.S. Supreme Court determined that because the agreement was voluntary, undertaken by private parties, and temporary, Weber was not a victim of unfair discrimination.

Kaiser was attempting to correct a glaring racial inequality that was the product of historical circumstances and its own unfair past practices. Weber, by contrast, thought that Kaiser engaged in objectionable racial discrimination by setting aside his position of seniority.

Questions

1. Are the percentage figures in the case "quotas"? Are they justified under the circumstances?
2. Does Kaiser have a justified employment policy? If not, how should it be revised?
3. Does Kaiser's policy eventuate in reverse discrimination against Weber? If so, is it justified?
4. Does the fact that the agreement was voluntary and temporary make the case morally different?
5. How much should companies be willing to do to correct historical inequalities?

CASE 4. *Promotions at Uptown Bottling and Canning Company*

Lincoln Grant, a 31-year-old African American employee, has been working for six years as a technician at Uptown Bottling and Canning Co. in Baltimore, Maryland. On four separate occasions, he has unsuccessfully sought a promotion to a managerial position. As the only member in his department who has completed graduate study, Grant questions how the company has treated him. He also knows that only four African American employees have been promoted during the previous nine years, compared with 41 white employees who have been offered promotions over the same period of time. Baltimore city is more than 50

This case was prepared by David Lawrence.