

Beauty Bias

News

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Irvine Managing Partner James McDonald was quoted in the September 2012 issue of *InsideCounsel* in the article, "Beauty Bias." The article reviewed a controversial investigation by the Equal Employment Opportunity Commission (EEOC) into a popular Massachusetts coffee shop chain whose employees are all young, attractive women. The investigation into possible discrimination in hiring practices was initiated by the EEOC. The controversy centered on two issues: whether the commission should take on beauty bias as a cause, and whether it should pursue cases based on investigations that the EEOC initiates without a complaint from an injured party. Jim said: "Aside from whether it is a good idea to spend agency resources conducting an investigation where there has been no complaint, the EEOC's big adventure raises a more troubling question: Is the EEOC trying to establish that it is illegal for an employer to prefer attractive employees over unattractive ones?" He suggested that recognizing appearance discrimination in federal law would increase the number of employees who unjustly claim discrimination. "Many plaintiffs in discrimination cases fail to account for their own shortcomings and role in events that led to their dismissal. To add appearance discrimination just adds another ground for people who fail at work."

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