

PETERSON

by Peterson Peterson

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Peterson versus Hewlett Packard CO

The Case Facts

Richard Peterson made a claim regarding the former employer where he accused the Hewlett Packard organization had terminated him based on his faith and religious beliefs and that the firm did not accommodate his religion. Peterson was a worker in Idaho Boise office of the Packard enterprise for about 21 years before he got terminated. The parties didn't have any dispute regarding his satisfactory performance. The conflict that exists between Hewlett Packard and Peterson occurred when the organization started displaying some "diversity posters" in the office in Boise as a component of its diversity campaign within the workplace. One the first series, there were five different posters and each of them depicted a photograph of the employee in Hewlett Packard under the caption "Blonde," "Hispanic," "Old," "Black" or "Gay." ¹ In the second series, the posters included photos of the same works and a particular description of the workers' interests and the slogan "Diversity is Strength."

Peterson is a man who believes himself to be a saved Christian and he perceives ¹ homosexual activities to violate the commandments provided in the Bible. ¹ In response to the posters, Peterson would post Biblical scriptures that condemned Gays and Lesbianism. They were observable to the co-workers, consumers and also other people that were passing through the corridor. However, his direct supervisor took down the posters after consultation with their manager as they had determined that they were offensive to some employees and the verses posted were in Violation of the Policies of the company which prohibited harassment. The Harassment Policy stated that "any conduct or comments towards ⁶ an individual's race, religion, gender, sexual orientation, age or any ethnic background which did not respect the feelings and dignity of the person are not acceptable" (Zimmer, Sullivan, 2017)

Peterson's defense was that the passages were meant to pass a message that condemns gay activities. He was provided with some ¹time off with pay to reconsider his particular position. When he got back to work, he refused to take down the passages, and after a meeting was held between him and the managers of Hewlett Packard, Packard got terminated for insubordination. After following notice of the right to sue that was from the EEOC, Peterson later filed a complaint that alleged religious discrimination which violated the Title 7 as well as the Human Rights Act of Idaho; a wrongful discharge that violated the public policy in addition to other claims which he dropped later. Both of the parties eventually ²moved for summary judgment, and the district court denied Peterson but granted Hewlett Packard their motion.

Analysis

To analyze the facts in the case, one has to review the order that the district court granted. Title 7 has made it illegal for a worker to discharge another person due to the religion of the individual. "Religion" here is a term that comprises of every aspect related to religious practice, belief and observance unless the employer has demonstrated that they are unable to accommodate reasonably the religious practice or observance without some hardships on the employer's conduct of business. One also needs to analyze the religious discrimination that Peterson claims to suffer under the Idaho Act on Human Rights (Zimmer, Sullivan, 2017)

The religious discrimination claim under Title 7 could be asserted under various theories including the failure to accommodate and disparate treatment. In the argument that the company Hewlett Packard was discriminating against Peterson on account of the beliefs in his religion, Peterson would more likely have to rely on both of the theories.

Disparate Treatment

For Peterson's Case to survive the summary judgment regarding his claim on different treatment, Peterson will have to establish that his performance in the workplace was satisfactory and also he needs to provide evidence that the termination of his employment was discriminatory. The evidence that Peterson had provided was "very little" as long as it was "purely conclusory allegation of the decimation alleged without any relevant concrete particulars. The analysis should also cover the evidence presented by Peterson to support his claim on disparate treatment under the framework of burden-shifting of McDonnell Douglas. Under the approach, Peterson is burdened with the task of establishing a case of prima facie through portraying ¹ that he is a member of a class under the protection, that he had been qualified for that position and that he had experienced an adverse employment action, and there should be other individuals that are similarly situated and are treated in a more favorable manner or even other surrounding circumstances under the adverse action on employment which results into a discrimination interference (Zimmer, Sullivan, 2017)

Peterson had also initially argued that the diversity in Hewlett Packard was a campaign that aimed at converting the Christian fundamentalists into its values which included promoting the lifestyles of homosexuals. The evidence that is undisputed reveals that Hewlett Packard had developed its campaign carefully during the diversity conference in 1997 which lasted three days and planning subsequently the meetings where many employees had participated. The campaign primarily stated that the goal with no evidence would suggest that it was perpetual to increase the diversity tolerance around the workplace. Peterson would be right that the campaign was devoting particular attention to combat the prejudice that was against homosexuality but the

emphasis was in no particular manner any lawful. In contrast, the efforts by Hewlett Packard to eliminate discrimination that was against homosexual within the workplace was consistent entirely with the objectives and goals of general civil rights statutes (Guttermann, Murphy, 2006)

Peterson's allegation regarding the purposes of the initiatives regarding diversity, he asserted that the campaign conducted by Hewlett Packard and the entire disciplinary process had initiated to respond to the postings regarding the scriptural passages had constituted an acquisition which did not serve any other purpose other than ferreting out Peterson's perceptions and extremity of his views on homosexuality. According to Peterson, the managers in Hewlett Packard were harassing him to convince the worker to change his beliefs. However, the evidence provided by Peterson to support his theory depicted that the managers in Hewlett Packard had acted in a notably opposite manner. In many meetings, the managers appreciated Peterson's sincerity in his ²beliefs, and they insisted that he did not have to change them. They were not objecting to his expression of his views on anti-gay in a specific letter they had written to the editor which got published within the Idaho Statesman which Peterson stated that the company was on a path to alter the moral values under a disguise of diversity in Idaho. He also claimed that the diversity campaign was a platform which promoted the agenda of homosexuality.

Peterson maintains that the proceedings of the disciplinary actions as well as his termination depicted a contrast towards the company's treatment of other three different groups with similar employees situated. He makes a comparison to himself to the worker that were hanging the posters which promoted diversity. He makes an argument that the signs were likely to "make individuals more comfortable so that they would reconsider diversity and also change their actions to become more positive" (Egelko, 2012) Peterson tries to liken those actions with

his that were meant to be “hurtful” so that individuals would get saved after repenting and also experience the joy that comes with being saved. The comparison, however, fails since the worker that hang the diversity posters were merely communicating the Hewlett-Packard views as they had been directed by the management to do. Additionally, unlike the postings made by Peterson, the diversity campaign within the workplace didn’t attack any employee group on account of religion, race or other essential individual features. In contrast, the initiatives taken by the firm was more intended to promote the tolerance in diversity which exists within its workforce. “The failure of the enterprise to fire workers for following the instructions provided by the managers regarding hanging the posters did not offer any evidence on disparate treatment.” (Zimmer, Sullivan, 2017)

Failure to Accommodate

Peterson appeals towards the rejection of the district court regarding his failure to accommodate the religious discrimination theory. Any plaintiff that does not raise a particularly reasonable inference with regards to ² disparate treatment on account of religion could show that his employer had violated its particular affirmative duty as spelled out under the Title 7 to accommodate reasonably the religious beliefs of the worker. To establish ground based on religious discrimination which was a significant legal issue in the case, the district court requires Peterson to set a prima facie case forth that he had had a religious belief that was bona fide of which its practice would conflict with a particular employment duty, and he had informed the employer about the conflict and the faith. He should also portray that the employer had threatened, discharged or even subjected him towards and adverse action on employment due to his lack of capacity to have the job requirement fulfilled. If the plaintiff could make a case for

failure to accommodate, the burden would shift towards Hewlett Packard Company to portray how it couldn't accommodate reasonably the worker without any undue hardship. Failure-to-accommodate was also another significant legal issue that was considered in the case.

Court Decisions based on the Law

The district court denied Peterson his motion attributed to several considerations of the law. One of the reasons for the ruling was that Hewlett Packard had placed a "Gay" poster in Peterson's Cubicle, but the latter did not provide any evidence that can support his assertion that the placement was targeting him in any way. The complaint made by Peterson also had not alleged religious harassment or a claim on a hostile environment within the workplace. That was not against any statutes provided by the EEOC or even the Idaho HR Commission. "Therefore, the company had not violated provisions under Title 7." (Egelko, 2012)

Peterson also claimed that there was no reliable evidence that any person at Hewlett Packard could even understand the scripture passages which he had posted and their meaning. However, he does not explain to the court how he had intended to encourage the individuals to be saved using the passages if they couldn't be understood by anyone. Moreover, the third passage directed a condemnation on the homosexuals. To that effect, Peterson did not adhere to the provisions under Title 7 Act of the civil rights enacted in 1964 which protects individuals from discrimination based on their sexual orientation, race, religion, color, sex, pregnancy or national origin. Peterson's allegations on disparate treatment could not stand under the court as provisions have been provided for disparate treatment to take place. A member of a group or any protected class should be treated differently or even more favorably than another person of group of individuals. Peterson was thereby burdened with the task of proving that there was a

particular illegal action which the employer committed regardless of how circumstantial the evidence was to shift the burden towards the employer (Guttermann, Murphy, 2006)

Conclusion

The Court ruled that Hewlett Packard was entitled and had the right to terminate Richard Peterson's employment who protested the initiative to promote diversity in the company. The court claimed that the worker who had been working for the organization for over twenty years wasn't a victim of discrimination on the premise of religion. Peterson had contended that Hewlett Packard had punished him unfairly as other workers were allowed to display their religious symbols on the posters but the judge known as Stephen Reinhardt had written that the employee had been laid off due to his violation of the company's policy with regards to harassment. That was through ⁵ attempting to generate an intolerant and hostile work environment and had disobeyed the orders from the managers to remove those postings. As a result of the court ruling, Peterson did not get what he sought which entailed compensation for the lost wages and damages. Instead, he had permanently lost his job due to his violation of the company's policies on diversity promotion. Also, his arguments did not stand in court on the premise that the company's initiatives did not hurt any individual based on race, color, religion, pregnancy, gender or sexual orientation, but the scriptures he posted was intended to harm the gay community (Egelko, 2012).

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