Disparate Impact and Disparate Treatment

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# Difference between Disparate Impact and Disparate Treatment

The first thing that has to be kept in mind when one talks about the disparate treatment and the disparate impact is that how the practices are being carried out at the broader level in terms of the discrimination is being carried out (Furnish, 2016). Most of the times, what happens is that when the disparate impact is carried out, it is referred to as the sort of discrimination that is unintentional in nature. On the other hand, if one talks about the disparate treatment, then it is the type of the discrimination that is intentional in nature (Feldman et al. 2015). So thus, the first difference that stands out among both of them is that what are the underlying intentions of the party and what is the context behind the discrimination and situation at the given point of time. Whenever there is neutrality in the decision making, the likelihood of the disparate impact is on the higher side, whereas in the environment that is biased in nature, the disparate treatment is likely to be increased (Feldman et al. 2015).

# Complaint Procedure in Disparate Treatment and Disparate Impact

One of the key differences between both the situations is that how the complaint procedure is going to be carried out in each of the situation (Feldman et al. 2015). Now, the most important thing that is needed to be kept in mind in this regard is to make sure that what is going to be body to which the complaint is going to be redirected (Rutherglen, 2017). For instance, when one talks about the disparate treatment, then most of the times, the hearing of such cases is being carried out in the Equal Employment Opportunity Commission (Feldman et al. 2015). What it does is that it changes of the violation, where when the ashes of the disparate impact are being looked at, the design and the implementation of these cases is carried out in the legal court and the legal authorities are the final decision maker in this regard (Feldman et al. 2015).

# Défense Available to the Organization

Most of the times, when such cases are being witnessed, the major problem that is being faced is that how the manifest relationship is going to be proved in the case and how it is going to be made sure that the underlying legitimate goals of the plaintiff are kept in mind. What it means is that the burden of the proof is usually needed to be provided by the client who is laying the charges (Feldman et al. 2015). This is one of the major areas where organizations are supposed to help themselves. The other important aspect of the whole thing is that how the persuasion in each of the respective case has to be carried out by the plaintiff to make sure that how they are supposed to be persuading that the business of the desperation and inequality was not based on the business constraint (Feldman et al. 2015).

# Avoiding EEOC Claims and Complaints

One of the ways through which it can be made sure that the EEOC claims and complaints can be avoided is by making sure that the clear manifesto and code of the conduct of the human resource has to be in place (Feldman et al. 2015). What it means that the organization should be able to protect itself from any claims that are going to be in place in the future. The other important thing that has to be taken into account that. The other way through which the claims and complaints can be avoided by introducing anti-discrimination policies to safeguard the legal interest of the entity.

**References**

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