

SOME FACTS ON THE SEARS SUIT

1. Sears, Roebuck and Co. filed its suit on January 24, 1979 in the Washington, D.C. District Court. It is a class action suit "on behalf" of all retail stores with more than 15 workers. The suit charges ten federal agencies: Attorney General, the Secretary of Labor, HUD, and HEW, Secretary of Commerce, Secretary of Housing and Urban Development, the Chairman of the Equal Opportunity Employment Commission, the Office of Federal Contract Compliance Programs, the Office of Federal Statistical Policy and Standards, the Bureau of Census, and the Federal Agency Council on the 1980 Census.

2. Sears contends that the government itself is guilty of discrimination, and not corporations like Sears. It states that the different government agencies have issued "conflicting" and "contradictory" affirmative action guidelines that are impossible to implement. Sears argues that these "conflicting guidelines" have created an imbalanced workforce.

3. Sears states that the government is trying to shift the blame for discrimination onto private corporations and businesses. It wants all affirmative action guidelines and policies halted until the government can come up with "uniform procedures". This is like dropping a bomb in the path of affirmative action, wiping out all affirmative action measures established in the last 15 years.

4. The Sears Suit seeks court orders that would:

1. *"Require the federal government to issue uniform guidelines to instruct employers how to resolve conflicts between affirmative action requirements based on race and sex, and those based on veterans status, age, physical or mental handicap."*

Comment: This would abolish all affirmative action requirements currently in existence. It would allow the corporations and businesses to re-segregate the workforce and let discrimination and inequality run rampant.

2. *"Prohibit the use of the statistical approach to show compliance until the government has taken steps to reshape the national workforce and produced adequate statistics."*

3. *"Declare the EEOC's contention that employment of women in part time jobs violates Title VII is an incorrect and invalid interpretation of applicable laws."*

Comment: The EEOC has been conducting a five year investigation of Sears. In 1973, the EEOC filed a complaint against Sears (in conjunction with General Motors, Ford and General Electric) and in 1977 ruled two to one that Sears was guilty of discrimination. The EEOC's "statistical approach" and its charges of Sears' unfair practices towards part time women workers formed part of the basis of its claims of Sears' discrimination. With its suit, Sears wants these factors struck down in order to counter and

undermine the EEOC's charges, and avoid paying out a possible multi-million dollar settlement. Previously, the EEOC filed similar suits which forced General Electric to pay out \$32 million, and the steel industry \$31 million.

4. *"Prohibit the enforcement of the 1978 amendment to the Age Discrimination in Employment Act."*

5. *"Prohibit the use against employers of any statistical disparities from the civilian labor force traceable to compliance with veterans acts and the Age Discrimination in Employment Act."*

Comment: Sears claims that the 1978 Amendment to the Age Discrimination Act (which expanded special employment considerations of the aged from 65, to 70) further restricts job opportunities for minorities and women. It also states that the GI Bill of Rights, veterans preference laws, selective service system and other veterans opportunity programs are responsible for creating a workforce dominated by white males. These are Sears' examples of "conflicts" in federal affirmative action policies, "how the government is responsible for creating discrimination and imbalance in the workforce".

6. *"Declare that Sears' voluntary Mandatory Achievement Goals hiring plan complies with the law."*

7. *"Bar federal agencies from seeking back pay or other damages from Sears and its class until they have made compliance possible."*

Comment: This is Sears' obvious attempt to cover and protect itself from discrimination law suits filed against it, both from the federal government and as well as from minority and women workers. Since 1964, Sears has been hit with over 1500 charges and complaints for discrimination, and has over \$80 million in law suits pending against them. Using these two arguments, Sears hopes to duck payment of millions of dollars to its workers for Sears' past crimes.

8. *"Declare an injunction preventing federal agencies from cancelling government contracts to retailers."*

Comment: Sears has over \$20 million in federal contracts annually. In order to maintain them, it must comply with federal affirmative action policies. Obviously, Sears is not meeting the affirmative action requirements, and thus is in danger of losing its federal contracts. Knowing that the handwriting is on the wall, Sears recently issued a statement that it would "stop doing business with the government". It said that Sears was not trying to "escape federal affirmative action requirements", but was merely "responding to government harassment of Sears".

5. Sears is the largest retail store in the country. It employs about 417,000 workers. This amounts to one out of every 200 people in the workforce. Sears claims that one out of every 30 people have, are or will work for Sears.

6. Sears is also the second largest private employer of women.

Yet, most women are kept in the lower level, non-management positions, face discrimination in hiring, salary and promotions. It has been found, for instance, that Sears has paid women \$300 less than men for performing the exact same jobs.

7. Sears is one of the largest corporations in the US. Its sales amounts to \$15 billion a year. Its profits from credit card holders comes to

8. Sears is anti-union. Very few of its stores are unionized. In SF, Sears shut down one of its few unionized stores and left workers unemployed. It has also been one of the major sellers of JP Stevens products, where 140,000 mainly Black women textile workers have been fighting for the right to unionize.

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This fact sheet was prepared by the ANTI-BAKKE DECISION COALITION. We have initiated a campaign against the Sears suit, and are also involved in the anti-Weber movement and the overall fight around affirmative action. You can contact the ABDC at 558 Capp Street, San Francisco, California 94110. We also have brochures on the Weber Case and the Sears Suit available. The National Office can be reached at (415) 648-4280.