

The Challenger's Triumph: Battling a Tech Titan

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Abstract

The primary purpose of this case is to promote discussion related to effective human resource management practices in undergraduate business courses. This business case revolves around the issues of employment discrimination, retaliation, and gender inequality. In 2020, 38-year-old employee Chelsey Glasson sued Google, alleging that she and others encountered discrimination while pregnant. After facing retaliation from the company, Glasson decided to bring the issue to light. She claimed that managers would give lower performance scores to employees who notified the company they were pregnant, stating that this step in the employee's life would hinder their performance towards the company.

Keywords: Google, human resources, discrimination, retaliation, gender

1. Introduction

In 2020, Google's Human Resources (HR) department witnessed an intriguing scenario when an employee sued the company for pregnancy discrimination. A Google employee, Chelsey Glasson, revealed that she overheard a coworker receive adverse performance evaluation reports after the coworker told the company that she was pregnant. With this information, Glasson followed the reporting guidelines that were in place and went to the manager to report her concerns (Paul, 2021). However, she soon faced retaliation in the form of unfavorable performance reports. Instead of guiding her, the company asked her to counsel with a therapist. Shortly after this incident, Glasson also became pregnant and decided to try and switch teams to avoid the retaliation she faced earlier. However, she could not get a new position due to the prior manager's negative performance evaluation. The situation worsened as the company asked her to leave after being rushed to the hospital early and only offered her three months' worth of her salary. She did not receive help from the HR division, so she filed a lawsuit against her employer (Paul, 2021; Tulshyan & Gupta, 2021).

1.1 From Friend to Foe-Chelsey Glasson

College friends, Larry Page, and Sergey Brin founded Google in 1996 and the company quickly grew leaps and bounds (Statt, 2019). Chelsey Glasson, 38-years-old, was an employee at Google, until she resigned (Paul, 2021). Glasson worked at Google for five years, both as a research lead and manager. While appointed on these positions, she faced multiple instances of discrimination. Glasson first encountered harassment in 2014 while working with Google (Soper, 2022).

1.2 Big Company, Big Problems

People entrust personal information to the technology around them, giving technology companies significant power. However, the law strives to keep the tech giants in check through regulations. In 2021, Google faced antitrust cases from Europe's top competition enforcer, The Justice Department, and Attorneys General from more than 30 states and territories (McCabe, 2021).

Most technology giants face cases involving privacy policies, which made Glasson's case unique (Zakrzewski, 2022). Glasson sued Google based on pregnancy discrimination and workplace harassment. A gender study on tech industries reveals that 57% of women have experienced workplace discrimination (Marchant, 2021). This question asks whether there is still a stereotype that men are better in Science, Technology, Engineering, and Mathematics (STEM) fields than women. An imbalance of power in the tech industry exists and acts as a precursor to workplace abuse (Kolhatkar, 2017). This situation creates tension between ethics and power, forcing tech companies to readjust their prevailing culture.

1.3 Culture- Top Executives

Company founders and top managers are often considered responsible for creating culture of the company. It's not the first case of misconduct in Google's workspace. Unethical behavior existed at Google before Glasson's case (Hamilton, Knouse, & Hill, 2009). A New York Times investigation showed that Google executive repeatedly mishandled harassment claims. The co-founder Sergey Brin was involved in extramarital affairs and other instances of harassment involving former CEO, Eric Schmidt, former VP Amit Singhal, and Chief legal officer David Drummond have been brought to light (Madrigal, 2018).

2. Method

The research for this case was done mainly by utilizing secondary sources such as news articles, books, and scholarly articles. Many news sites, The New York Times and The Guardian, as well as published reports, help uncover the truth about working for Google. These sources provide information on the same story from a different perspective, allowing the case to be examined.

2.1 Target Audience

This case study aims to enhance problem solving skills taught to undergraduate students taking Human Resource Management course. Students will be able to analyze HR theory and understand its practical relevance. This case highlights situations that involve the legal system, the Equal Employment Opportunity Act, the concept of reasonable accommodation, and gender equity. Exposure to the problems that have occurred in the past will help students learn how they can develop their management skills to become effective human resource managers.

2.2 Learning Objectives

After reading and analyzing this case, students should be able to:

1. Identify issues that involve gender inequality or misconduct in the workforce.
2. Determine appropriate actions HR departments can take to handle complaints.
3. Formulate ways for HR to correct situations involving misconduct in the workplace.

3. Discussion

3.1 Discussion Questions

- Q.1 Which human resource and legal issues are emphasized in this case?
Q.2 How does this case relate to various branches of government?
Q.3 What changes in HR practices could have prevented the situation highlighted in this case?

3.2 Responses to the Discussion Questions

1. Equal Employment Opportunity (EEO) pertains to the notion that "all individuals have an equal opportunity to gain or maintain employment, regardless of race, color, religion, sex, disability, or national origin" (Noe et al., 2021, pg.114). Under EEO, multiple different amendments and laws specify certain discriminatory acts and how to handle them. Glasson's case falls under the Pregnancy Discrimination Act. This act covers companies with more than 15 employees, e.g., Google, and "prohibits discrimination based on pregnancy, childbirth, or related medical conditions" (Noe et al., 2021, p.116). Thus, one can argue that the treatment Glasson received violates the Pregnancy Discrimination Act. She and her coworkers received lower performance evaluation scores simply because they were pregnant. Secondly, when she was absent from work due to an urgent medical condition involving her pregnancy, she was asked to leave the company (Soper, 2022).

The Equal Employment Opportunity Commission (EEOC) oversees investigating, gathering information, and issuing guidance for any issues arising from employment law violations (Noe et al., 2021, p. 114). Victims of discrimination have the right to file a complaint with the EEOC and request an investigation. In this case, however, Glasson contacted Google's internal Human resources team for guidance. While it was good to try and resolve the issue internally, when she didn't receive help, it would have been beneficial to contact the EEOC instead of immediately filing a lawsuit. On the other hand, when HR decided they would not investigate the situation further, the HR representative might have benefited from contacting the EEOC for guidance to avoid the subsequent lawsuit. The lack of appropriate leadership within HR at Google was a concern.

This case further highlights HR issues involving appraisal politics and the glass ceiling. Appraisal politics is "a situation in which evaluators purposefully distort a rating to achieve personal or company goals" (Noe et al., 2021, p. 374). In Glasson's case, she found that it was no longer possible to switch teams or move to a new position due

to the poor evaluation that she received in the most recent report. She was usually a well-reported employee; however, after learning that she was pregnant, her manager didn't think she could ultimately fulfill her duties and therefore assigned her low scores, stopping her from promotion (Paul, 2021). This distortion of rating leads to appraisal politics and forms the basis for discrimination and work-related stress (Noe et al., 2021; Dhiman, 2021).

The glass ceiling refers to the phenomenon in which a qualified person wishing to advance within their organization's hierarchy is stopped at a lower level due to discrimination, often based on sexism or racism (Babic & Hansez, 2021). Glasson was discriminated against by her manager when she received lower performance ratings due to pregnancy. This discrimination eventually prevented her advancement within Google (Paul, 2021), leading to the glass ceiling effect. Thus, appraisal politics in specific contexts can lead to the glass ceiling.

2. By filing a lawsuit, Glasson took her case out of Google's internal policies and into the governmental branches. Human resource management is very closely tied to government policies because all the significant aspects of HR, such as selection, training, performance management, development, and compensation, are governed by the anti-discrimination laws enacted via Congress or executive orders signed by the president of the US. There are three government bodies: the legislative, judicial, and executive branches, each with some overlapping responsibilities.

The legislative branch is responsible for creating laws based on societal needs. It works to develop new regulations or amend current ones to solve problems (Noe et al., 2021). In 1978, Congress amended Title VII of the Civil Rights Act of 1964 by passing the Pregnancy Discrimination Act (Siegel, 1985). Therefore, if Glasson's lawsuit points to a loophole in the Pregnancy Discrimination Act that Google utilized, the legislative branch can initiate amendments to the regulation.

The president oversees another branch, which is called the executive branch. The legislative and executive branches collaborate because the president can veto or request a revision of proposed laws from either the Senate or the House of Representatives. The president can also request bills that Congress reviews. Therefore, if the legislative branch wishes to pass a new law or act on pregnancy discrimination or harassment in the workforce, it will have to go through the president for final approval. Furthermore, there are regulatory agencies within the executive branch responsible for enforcing the laws and regulations that get passed. For example, the EEOC is an agency that aims to implement equal employment opportunities and ensure that employees are treated fairly at work. In Glasson's case, the executive branch is directly tied to her lawsuit because if she contacted EEOC, they would most likely have to investigate to determine if there was pregnancy discrimination or any unjust behavior at Google.

The third branch and, arguably, the most prominent in Glasson's case is the judicial branch. The judicial branch contains the court system, which interprets the law, debates the evidence, and announces the verdict. When Glasson filed a lawsuit, she brought the judicial branch of government into play. The attorneys representing Glasson and Google argued whether there was mistreatment. There are different levels of the judicial branch, and depending on the nature of the case, a specific level will handle the lawsuit. For example, there are Quasi-judicial agencies, District Courts, Courts of Appeals, and the Supreme Court, in the increasing order of power. If one of the parties disagrees with the conclusions reached during the lawsuit, they can appeal to the Court of Appeals and then further to the Supreme Court.

3. Gender inequity is an issue that various companies and HR teams are trying to address (Hing, Sakr, Sorenson, & Starnski, 2023). Two areas within gender equity are essential: 'equity in pay' and 'equity in representation' (Noe et al., 2021, p.144). Both pay and representation are issues discussed in Glasson's case and are areas that Google HR should focus on to avoid another situation identical to the one the discussed in this case. An example of inequitable pay is when Glasson was on maternity leave, and the company provided her with only a couple of months' salary after they asked that she leave permanently (Soper, 2022). Furthermore, they refused to let her move into positions that could have brought better pay. The Equal Pay Act prohibits this type of action that discriminates against pay based on gender (Romero, 2019). By following the guidelines of the Equal Pay Act, the Google HR team could have collected data on the pay of all employees to perform data analytics and determine if there was a statistically significant difference in the mean pay between men and women. If they found a difference, the HR team, in consultation with the top management, should have taken specific steps to correct the inequity.

Besides pay, equity in the representation of gender within specific roles in the firm should be a top priority. For instance, a finding that women fill lower-level positions while men hold 90% of higher-level positions would be a prime example of unfair representation within any company. When Glasson couldn't move to a new job because of the low scores given to her (Paul, 2021), one could argue that her employer was unfairly representing pregnant women in all areas of the firm. Regarding equal pay, the Google HR team could have collected data on

non-pregnant women's pay vs. pregnant women's pay across similar roles at a given time to investigate potential inequities.

Finally, arranging for a third party to collect data and analytics could be a potential way to determine discrimination within the workplace (Martin, 2022). For any reason, if HR employees deny the existence of discrimination or inequity; in such a case, a viable strategy could be to file a complaint with the EEOC and request an investigation. This expert third party would be able to perform data collection and analysis independently, providing a robust conclusion to the firm and possible solutions to the issue. In sum, there are various ways in which HRM can handle the problems of gender inequality. Depending on the firm and the specific scenario, some approaches might be better than others, but the goal should be to resolve the matter amicably.

3.3 Epilogue

Google settled on an undisclosed amount with Glasson for her workplace discrimination claim, and neither party revealed details about the payment. Glasson now works for a large real estate company and recently attested to favor a new bill limiting a company's content in non-disclosure agreements (Soper, 2022). Currently, a mother of two children, Glasson has participated in global walkouts to spread the word about workplace discrimination. She aims to prevent discrimination by providing tips and writing blogs online.

4. Conclusion

The case of Chelsey Glasson sheds light on significant human resource and legal issues prevalent in the workplace. Glasson's ordeal, characterized by pregnancy discrimination and workplace harassment, emphasizes the pressing need for effective HR practices and a reevaluation of company culture within multinational companies. Glasson's situation highlights the significance of robust HR leadership and strict compliance with anti-discrimination statutes such as the Pregnancy Discrimination Act. It also demonstrates that companies should be proactive in fostering a culture of equitable treatment to all employees regardless of gender ensuring fair representation and pay.

The implications of this case are relevant to all corporations and particularly to those that have been sued by their employees for discrimination. All organizations should evaluate cultural norms and power dynamics on a continuous basis to promote inclusivity and positive organizational cultures. It is critical for educators and practitioners to leverage cases like the current one to educate future HR professionals and equip them with the necessary tools to address workplace challenges effectively.

In conclusion, this case serves as a reminder that human resource management practices play a vital role in shaping the future of work. This case calls for a collaborative effort by all stakeholders to create workplace where all employees feel valued, respected, and empowered.

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