

Hollins University

**Hollins Digital Commons**

---

Ann B. Hopkins Papers

Manuscript Collections

---

5-2-1989

## **U.S. Court Puts Burden on Firms Over Sex Bias**

Associated Press

Follow this and additional works at: <https://digitalcommons.hollins.edu/hopkins-papers>



Part of the [Civil Rights and Discrimination Commons](#)

---

# U.S. Court Puts Burden On Firms Over Sex Bias

*The Associated Press*

WASHINGTON — The Supreme Court ruled Monday that the burden is on employers to disprove sexual stereotyping when they are accused of discriminating against women.

By a 6-to-3 vote, the justices ordered further lower court hearings in a suit against the Price Waterhouse accounting firm by Ann Hopkins. She said she was denied a partnership because of "macho" attitudes that she did not behave ladylike.

The ruling also is a partial victory for Price Waterhouse. The court overturned a lower court ruling that would have placed a heavier burden of proof on the company.

Only four of the justices agreed on the standards in lawsuits alleging sexual stereotyping. The absence of a majority enunciating

clear guidelines is likely to sow confusion among lower courts.

Justice William J. Brennan, in the main opinion, said that when someone "proves that her gender played a motivating part in an employment decision, the defendant may avoid a finding of liability only by proving by a preponderance of the evidence that it would have made the same decision even if it had not taken the plaintiff's gender into account."

Joining his opinion were Justices Thurgood Marshall, John Paul Stevens and Harry A. Blackmun.

Justice Sandra Day O'Connor, in a separate concurring opinion, agreed that in the case of Price Waterhouse "the burden of persuasion should shift to the employer." But she said she did not favor "the strong medicine" of forcing employers to bear the burden of proof in all such cases.