

# **Wal-Mart Gender Discrimination Employment Lawsuit to Go to Trial**

**By: Callahan & Blaine**

**<http://litigation-update.com>**

According to a recent article on CNN.com [Wal-Mart gender pay lawsuit heads to trial](#), more than a million former and current employees of Wal-Mart have formed a class action against the super retailer, alleging gender bias against employees in both pay and promotions. In April of 2010 a San Francisco based US court of appeals certified the class, meaning that the litigation can now move ahead to trial, although Wal-Mart still has the option of appealing the San Francisco court's ruling to the Supreme Court.

The class action litigants allege that the gender discrimination took place over a period of ten years, roughly from 2000 to 2010. They allege that female employees were paid less than men and that they were given fewer opportunities for advancement. They say that while female employees represent over 70% of Wal-Mart's hourly employees, fewer than 30% of management positions have been held by women during the last ten years. The plaintiffs are seeking back pay as well as punitive damages, which may reach into the billions of dollars.

The lawsuit was originally filed by Betty Dukes and five of her fellow Pittsburg, California Wal-Mart employees in 2001. Dukes stated that she is pleased that she and her co-workers would finally get their day in court.

Executive Vice President for Wal-Mart, Jeff Gearhart stated that "we do not believe the claims alleged by the six individuals who brought this suit are representative of the experiences of our female associates. Wal-Mart is an excellent place for women to work and fosters female leadership among our associates and in the larger business world." Gearhart added that the company is looking into its options, including an appeal to the Supreme Court.

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