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Fairness Isn't Optional: Lessons from Google's $50M Bias Case and SCOTUS on Title VII

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In May 2025, Google agreed to pay $50 million to settle a high-profile class action brought by Black and multiracial employees who alleged systemic racial discrimination in hiring, leveling, and promotion. That same month, the US Supreme Court unanimously held in *Ames v. Ohio Department of Youth Services* that Title VII does not impose extra burdens on plaintiffs from "majority" groups. Together, these developments represent a clarion call for HR leaders: equity must be pursued with integrity, and legal compliance must rest on neutral standards.

Google's $50M Settlement: A Warning and a Blueprint

In *Curley v. Google LLC*, a group of Black and multiracial employees alleged that Google maintained a "two-tiered" workplace system that consistently placed them at a disadvantage. According to the lawsuit, even though these individuals had qualifications and experience equal to or greater than their peers, they were often hired into lower-level positions. Once employed, they faced limited opportunities for advancement, were subject to racial stereotyping, and remained largely excluded from leadership roles due to a workplace culture that failed to support equity and inclusion.

Although Google denied any wrongdoing, it ultimately agreed to a wide-ranging settlement. The company committed $50 million in monetary relief to more than 4,000 current and former employees and pledged to implement significant structural reforms. These include conducting regular race-based pay equity audits, ending mandatory arbitration in employment disputes through August 2026, and publishing salary and bonus ranges in job postings to improve compensation transparency. Google also agreed to strengthen internal reporting mechanisms to better address concerns related to bias in hiring, leveling, and promotion decisions.

Why it matters: Despite the recent statement by the EEOC that it will not be focusing on disparate impact issues and claims, Courts and employers continue to signal that employers may be liable not just for intentional bias, but for workplace systems that result in unequal outcomes. The *Curley* settlement shows that without transparency and enforceable standards, even well-intentioned policies can become legal liabilities.

Ames v. Ohio Dept. of Youth Services: Neutrality in Title VII Enforcement

On June 5, 2025, the U.S. Supreme Court unanimously vacated a Sixth

Circuit decision that had imposed a “background circumstances” requirement on a straight, white plaintiff seeking relief under Title VII of the Civil Rights Act. In *Ames v. Ohio Department of Youth Services*, the lower court ruled that the plaintiff—Amanda Ames, a heterosexual white woman—had to show that her employer was an “unusual” one that discriminated against majority-group members before she could proceed with a discrimination claim. This elevated standard, often applied inconsistently across jurisdictions, has long been criticized for creating an unequal procedural burden depending on the plaintiff's race, gender, or sexual orientation.

Justice Ketanji Brown Jackson, writing for a unanimous Court, firmly rejected that logic. She emphasized:

> “Title VII's text draws no distinction between majority- and minority-group plaintiffs. It protects any individual from discrimination.”

This sentiment seems to echo the Supreme Court's statement in *Students for Fair Admissions v. Harvard*, that “[e]liminating racial discrimination means eliminating all of it.” The Ames ruling reaffirmed that the disparate treatment framework established in *McDonnell Douglas Corp. v. Green* applies equally to all individuals, regardless of identity, and that courts may not impose additional burdens based on a plaintiff's demographic background. By restoring clarity to Title VII enforcement, the decision reinforces that anti-discrimination law must remain facially neutral and accessible to everyone—sending a clear message that no employee should face a higher bar to prove unfair treatment simply because of who they are.

Implications for HR Professionals: Advancing Fairness with Legal Precision

1. **Make Equity Efforts Measurable and Compliant**

The *Curley* settlement illustrates that symbolic workplace programs are not enough—courts now expect hiring, leveling, and pay systems to deliver real, trackable outcomes. Fairness must be embedded in structures, not just stated in values.
Action: Build data-driven, auditable, and legally sound employee experience strategies.

2. **Apply Title VII Protections Neutrally**

The Supreme Court in *Ames* reaffirmed that anti-discrimination laws apply equally to all, regardless of identity. Inclusion efforts must never tip into exclusion.
Action: Audit all employment practices for unintended bias or discrimination—across all groups.

3. **Examine Hiring and Leveling for Structural Bias**

Curley revealed how placing qualified candidates in lower-level roles at the time of hire can entrench long-term disparities. HR must examine whether internal systems are disproportionately disadvantaging underrepresented employees.

Action: Conduct demographic reviews of job leveling and advancement, using structured, bias-resistant tools.

4. **Recognize Risk from Both Sides**

Taken together, *Curley* and *Ames* show that employers face legal exposure from both underrepresentation and overcorrection. Neutrality and consistency are now legal imperatives.
Action: Reassess litigation risks across all protected classes and ensure compliance frameworks support—not conflict with—equity goals.

Final Thought: Equity Must Be Lawful to Be Sustainable

Anti-discrimination law is not a pendulum—it is a shield for everyone. In today's landscape, HR leaders must promote fairness with both ethical conviction and legal discipline. Achieving that balance is not aspirational—it is essential.

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