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June 2007

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Avoid Nicknames Unless Employees Request a Preference **By George C. Kraehe**

People identify strongly with their names, which is why managers should refer to employees by their given names, unless directed to use a nickname. Otherwise, you might find yourself in legal hot water, as the following case demonstrates.

The 9th U.S. Circuit Court of Appeals held an employer liable for race discrimination because its supervisor persistently referred to an Arabic employee as “Manny” instead of “Mamdouh,” despite the employee’s objections. (*El-Hakem v. BJJ Inc.*, 9th Cir., Nos. 03-35514, 03-35544, 04-35063, July 21, 2005.)

Mamdouh El-Hakem worked for BJJ and reported directly to its chief executive officer, Gregg Young. El-Hakem and his name are of Arabic origin. Young found “Mamdouh” difficult to pronounce and believed others would as well. Instead, he insisted on calling El-Hakem “Manny.” Young also expressed the opinion that a “Western” name “would increase El-Hakem’s chances for success and would be more acceptable to BJJ’s clientele,” according to the court. Young did not consider “Manny” to be a racial epithet.

El-Hakem proposed that Young use his last name if he found Mamdouh difficult to pronounce. Rather than comply, Young suggested in response that El-Hakem be called “Hank.” El-Hakem objected again. Nevertheless, Young continued to call El-Hakem “Manny” for almost a year on the telephone, during marketing meetings and in e-mails.

BJJ terminated El-Hakem after closing the office where he worked. He later brought race discrimination and hostile work environment claims. A jury awarded him \$15,000 in compensatory damages and \$15,000 in punitive damages, finding both race discrimination and a hostile work environment. BJJ appealed.

In court, BJJ argued that it could not be held liable for intentionally discriminating on the basis of race because the name “Manny” is neither a racial epithet, nor does it in any way refer to or describe El-Hakem’s physical ethnic traits. The 9th Circuit disagreed, stating that “a group’s ethnic characteristics encompass more than its members’ skin color and physical traits” and that “[n]ames are often a proxy for race and ethnicity.”

The 9th Circuit also found it of no importance that Young did not intend “Manny” to be racially derogatory. More important was that Young’s conduct was directed at El-Hakem because of his race and that Young changed El-Hakem’s Arabic name to a non-Arabic name. There was therefore sufficient evidence to support the jury’s verdict. Finally, the court held that, while not severe, Young’s use of the name “Manny” was sufficiently pervasive to create a hostile work environment.