

**EEOC v. The Dial Corporation**

U.S. District Court, Southern District of Iowa  
(#3-02-CV-10109) February 3, 2005

At its Armour meat packing plant in Fort Madison, Iowa, the Dial Corporation implemented a strength (“work tolerance”) test for entry-level jobs in January 2000. The jobs are physically demanding, requiring the repetitive lifting of a 35 pound rod of sausages to a height of approximately 65 inches. The company argued that the test was necessary to reduce injuries.

Although women had been successfully performing the job for years, male applicants passed the test at a 97% rate, compared to less than 40% of the female applicants. The EEOC sued on behalf of a woman who had applied for a position at Dial in February 2000, failed the test, and subsequently filed a charge of sex discrimination with the agency.

The court rejected the validity of the strength test, noting that women had been no more likely than men to be injured prior to the use of the test, that the test was more difficult than the job, and that an overall reduction in injuries was likely related to other safety initiatives implemented by Dial. Jean P. Kamp, Regional Attorney for the Milwaukee District Office of the EEOC, stated that “disparate impact cases are somewhat unusual, but they are an important tool when, as here, an apparently neutral screening test excludes large numbers of women, or any other protected group, who are able to perform the job.”