

Job Discrimination at Work Place

WHAT EMPLOYEES NEED TO KNOW



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TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX AND NATIONAL ORIGIN. THERE ARE CERTAIN AMENDMENTS TO THIS ACT, LIKE PREGNANCY DISCRIMINATION ACT OF 1978, THE EQUAL PAY ACT OF 1963, AMERICAN WITH DISABILITIES ACT OF 1990, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

IF THE EMPLOYER TREATMENT IS UNFAIR JUST BECAUSE OF WHO YOU ARE OR BASED ON YOUR SOCIAL STATUS, EMPLOYEES CAN CONSIDER IT AS ***DISCRIMINATION.***



Why the Discrimination Topic is Important

- ▶ Workers should know their rights
- ▶ Organizational Culture
- ▶ Being better company among competitors
- ▶ Better employee and labor relations



Types of Discrimination

- ▶ Age
- ▶ Disability
- ▶ Equal Pay / Compensation
- ▶ Genetic Information
- ▶ Harassment
- ▶ National Origin
- ▶ Pregnancy
- ▶ Race/Color
- ▶ Religion
- ▶ Retaliation (the most frequently alleged basis of discrimination in the federal sector and the most common discrimination)
- ▶ Sex
- ▶ Sexual Harassment



Examples of Discrimination

- ▶ When an employer, supervisor, or co-worker treats another employee unfairly based on religion, age, ethnicity, gender, disability, skin color, or race (Direct Liability Type)



- ▶ When an employee discriminates against another employee, only the employer has no evidence that he or she took reasonable or necessary steps to curb the behavior. (Vicarious Liability Type)

What employees need to know

Make the employer aware:

Contact HR Department – do not be afraid to let the employer know, it is confidential and it will stay between you and HR person. Employer is responsible for compliance with the law.

Submit your writing statement to HR representative and express your concerns.

Contact EEOC

If employee submitted a writing statement to HR , and did not get appropriate response, please contact the federal Equal Employment Opportunity Commission. Their contact information is public information, you can find it on internet, make sure EEOC office locates in the same county where business operates.



Keep a Diary

By the time employee will file discrimination, he/she will be asked for specific questions/details:

- ▶ Date
- ▶ Time (approximate)
- ▶ Location
- ▶ Parties involved
- ▶ Witnesses
- ▶ Details of the improper conduct or speech



Keep an Objects:

- ▶ Pictures
- ▶ Emails
- ▶ Posters

* Having the actual offensive item to help prove your case is much easier than having to try to describe what it looked like, and having to hope that your version will be believed



Review your company's anti-discrimination policy:

The fact that your employer may have put it in writing, and acknowledged that it will not act in discriminatory ways may serve to benefit your position. If you have a copy of the policy in a handbook or other handout, retain a copy of it.



Review federal and state laws:

- ▶ Title VII of the Civil Rights Act of 1964: 42 U.S.C. § 2000e, et seq. This federal law prohibits discrimination in terms and conditions of employment on the bases of race, color, national origin, sex, and religion.
- ▶ Age Discrimination in Employment Act (ADEA): 29 U.S.C. § 621, et seq. This federal law prohibits discrimination on the basis of age for workers over the age of 40.
- ▶ Americans with Disabilities Act (ADA): 42 U.S.C. § 12101, et seq. This federal law prohibits discrimination against certain disabled individuals and requires employers to make "reasonable accommodations" to allow access to buildings and functionality in the workplace.
- ▶ Family and Medical Leave Act (FMLA): 29 U.S.C. § 2601, et seq. This federal law requires employers to allow employees time off, and to not discriminate against them, for taking care of personal or family medical needs.



How to prevent Discrimination

- ▶ Talk to your employer
- ▶ Talk to your employees



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