

Make sure managers know laws against employee discrimination

Last year, U.S. employees filed the second highest number of EEOC complaints claiming they suffered discrimination at work. You know that U.S. anti-discrimination laws require treating all applicants and employees equally.

But do your organization's supervisors understand the relevant laws? Pass along this primer on federal anti-bias laws to make sure your compliance efforts start right on the front line.

AGE The Age Discrimination in Employment Act says you can't discriminate in any way against applicants or employees age 40 or older because of age.

That's why it's important to never take a person's age (or proximity to retirement) into account when making decisions on hiring, firing, pay, benefits or promotions. Avoid any comments about an employee's age. Base your management decisions solely on the person's ability to do the job.

RACE The federal Civil Rights Act makes it unlawful to discriminate in any employment matter based on a person's race. Currently, more employee complaints are filed over race discrimination than any other type of job discrimination (33,579 claims in 2009).

Managers must also avoid race bias based on a person's marriage to or association with someone of a particular race.

This law applies regardless of whether the discrimination is directed at blacks, whites, Asians, Latinos or people of any other race, color or ethnicity.

NATIONAL ORIGIN This type of discrimination relates to treating employees or applicants less favorably because they come from a particular place, because of their ethnicity or accent or because they have a particular ethnic background.

GENDER Various laws make it unlawful to discriminate because of a person's sex in hiring, termination, promotion, pay or any other employment terms. Those laws also prohibit employment decisions based on stereotypes or assumptions about abilities based on gender.

PREGNANCY The Pregnancy Discrimination Act prohibits job discrimination on the basis of "pregnancy, childbirth and related medical conditions." You can't deny a job or promotion merely because an employee is pregnant or has had an abortion. She can't be fired because of her condition or forced to go on leave. Pregnant employees must be permitted to work as long as they are able to perform their jobs.

The law requires managers to treat pregnant employees the same as other workers who have similar limitations.

SEXUAL HARASSMENT Sexual harassment is a form of sex discrimination that violates the Civil Rights Act.

When does it cross the line? The EEOC says, "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment."

RELIGION Managers can't treat employees or applicants more or less favorably because of their religious beliefs or practices. You also must "reasonably accommodate" an employee's sincerely held religious beliefs and practices, unless it causes an "undue hardship" on the organization. For example, that may mean giving employees leave time to attend religious services or allowing them to wear religious clothing.

DISABILITY The Americans with

Tough acts to follow

Various federal laws prohibit job discrimination, including:

- **Title VII of the Civil Rights Act of 1964**, which prohibits employment discrimination (in hiring, firing, compensation, benefits, etc.) based on employees' or applicants' race, color, religion, sex or national origin.
- **The Age Discrimination in Employment Act of 1967 (ADEA)**, which prohibits employment discrimination against people age 40 or older.
- **The Americans with Disabilities Act (ADA)**, which prohibits employment discrimination against qualified individuals with disabilities.
- **The Equal Pay Act**, which is the main federal law that requires giving men and women equal pay for equal work in the same establishment.
- **The Pregnancy Discrimination Act**, an amendment to Title VII of the Civil Rights Act, which makes it unlawful to discriminate on the basis of pregnancy, childbirth or related medical conditions.

Disabilities Act (ADA) makes it illegal to discriminate against people with qualifying disabilities. New ADA amendments that took effect at the start of 2009 broadened the definition of "disability," meaning many more employees are eligible for accommodations and job protection.

The ADA requires employers to make "reasonable accommodations" for employees with disabilities.

Also, you can't ask about a person's disability during the hiring phase. And you must keep employees' medical-related info confidential and prevent harassment of disabled employees.

RETALIATION Federal laws make clear that it's illegal for employers to fire, demote, harass or otherwise retaliate against employees who've filed a discrimination charge or participated in a discrimination investigation.