

DISCRIMINATION IN CALIFORNIA

WHAT QUALITIES ARE COMMONLY DISCRIMINATED AGAINST?

In the United States, There is an Unfortunate History of Discrimination Against Certain Individuals Based on their Race, Religion or Other Personal Characteristics



SEPAHI LAW GROUP, APC
SAN DIEGO BUSINESS AND EMPLOYMENT LAW ATTORNEYS



In the United States, there is an unfortunate history of discrimination against certain individuals based on their race, religion or other personal characteristics. To prevent this behavior and protect the fundamental right of all individuals to be treated as equal, Civil Rights legislation has been passed. There have been multiple federal laws passed over the past several decades to ensure equal protection and prohibit discrimination. Individual states have also taken action to pass their own laws protecting state residents from discriminatory behavior.

Civil Rights laws apply to protect individuals not only from unequal treatment by the government but also from unequal treatment by private actors including individuals and companies/employers. Civil Rights laws prohibit discrimination in a variety of areas, from fair housing laws to employment laws. Employers must be aware of all of the varying state and federal laws that apply and must ensure they do not engage in any behavior that could be considered discriminatory. An attorney can explain what civil rights laws are applicable and provide advice to employers on complying with all legal requirements.

Qualities that Commonly Result in Discrimination

Civil Rights laws were passed to prohibit discrimination on the basis of characteristics that commonly prompted unequal treatment.

For example:

- Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex and national original. The Act has been amended various times including by the Pregnancy Discrimination Act. The Civil Rights Act was also amended by the Lily Ledbetter Fair Pay Act of 2009 to impose stronger protections in cases where employers are accused of discriminating on the basis of pay.
- The Age Discrimination in Employment Act (ADEA) prohibits discrimination against employees who are aged 40 or older. The Act was passed because of pervasive discrimination against older employees and provides no



protection to younger workers who are discriminated against on the basis of age.

- The Americans with Disabilities Act (ADA) was passed to prohibit discrimination against employees who are affected by a disability. Disabled employees who are able to do their jobs with reasonable accommodations must be treated the same as any other job applicant or worker.

The non-discrimination provisions prohibit employers from treating workers differently in the hiring, firing and terms-and-conditions of employment based on any of these qualities or characteristics. These qualities that commonly result in discrimination can thus give a worker protected status and employers must ensure that they do not engage in any unfair behavior on the basis of the worker's unique characteristics.

Prohibited Discrimination



The definition of discrimination is broad under Civil Rights laws. Employers are obviously prohibited from directly and explicitly refusing to hire someone on the basis of his race, religion, gender or other

protected status. Employers may also not engage in quid-pro-quo sexual harassment or pregnancy discrimination because these types of discrimination are considered violations of Title VII. Quid pro quo sexual harassment means

the trading of employment perks and benefits in exchange for sexual behavior or acts by an employee.

In addition to these behaviors, employers may also be liable for disparate impact discrimination and for hostile work environment discrimination.

Disparate impact discrimination occurs when an employment requirement that appears neutral on its face actually results in a protected class of employees being treated differently or deprived of opportunity. For example, a strict physical fitness test could disqualify more women because most women are naturally not as strong or as fast as most men. Tests could also end up having a disparate impact on people of a certain race, age, national origin or other protected characteristic. If an employment test has a disparate impact, the test is permitted only if there is a bona fide occupational reason for the test to be administered. In other words, there must be a legitimate reason for giving the test that directly relates to the employment.

Hostile work environment discrimination occurs in situations when other employees make a work environment uncomfortable for someone based on protected status. For example, a group of employees that is mostly male could make a workplace uncomfortable for a woman by posting pictures of partially nude women on their desks. A group of employees could also make a workplace uncomfortable for a person of a particular race or religion by sending out racist jokes via email or routinely making jokes that are targeted towards people of a certain religious belief.

When a hostile work environment is created, an employer can be liable even if it

was a worker's peers who created the unpleasant work environment.

Employers can protect themselves from liability for hostile work environment discrimination by having strict policies in place preventing discriminatory behavior and by creating a system for

reporting improper and unlawful behaviors. Employers must respond promptly to worker complaints alleging a hostile work environment.



Employers should consult with an experienced business and employment law attorney for help understanding antidiscrimination laws and for assistance in protecting themselves from litigation. Call today to speak with Sepahi Law Group APC and learn more about how our attorneys can help with your case.

About Sepahi Law Group, APC



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Since our law firm was founded, we have employed compelling advocacy and innovative strategies to obtain optimal results for our clients in the courtroom. Our successful results in commercial and business litigation are the product of relentless preparation and a commitment to excellence. Our law firm can handle complex litigation involving multiple parties, multi-state parties and international entities. Our law firm has the experience and expertise to practice in state and federal courts as well as regulatory tribunals of all types and appellate courts.

Sepahi Law Group, APC
12520 High Bluff Drive, Suite 345, San Diego
CA 92130
Phone: +1 866-350-1000
Website: www.sepahilaw.com