

WHAT PROTECTS ME FROM ON-THE-JOB DISCRIMINATION?

If You Are the Victim of On-The-Job Discrimination, You Have Several Options to Pursue a Claim Against Your Employer, Obtain Compensation for Any Damages and Force the Discriminatory Behavior to Stop



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Employers are not permitted to discriminate against employees on the basis of protected status. There are a variety of federal civil rights laws in place that ensure workers do not become victims of illegal discrimination. State laws may also extend further than federal laws to provide additional protections to workers.



If you are the victim of on-the-job discrimination, you have several options to pursue a claim against your employer, obtain compensation for any damages and force the discriminatory behavior to stop. You may initially raise your complaints with your supervisor or the human resource's department at your company if your employer has a grievance procedure in place. This may be enough to stop the problem. If you wish to take your claim further, you can file a complaint with the Equal Employment Opportunity Commission (EEOC) or file a civil lawsuit.

An experienced employment law attorney can help workers to understand their options for preventing discrimination and can assist in identifying the best strategic approach to take legal action. An employment attorney can also represent employers and assist them in developing policies and procedures to avoid discrimination in the workplace and reduce the risk of legal liability.

What Protects Workers From On-the-Job Discrimination?

Workers are protected from on-the-job discrimination by several different federal laws including:

- **Title VII of the Civil Rights Act of 1964**

Title VII was a landmark piece of civil rights legislation that broadly prohibited discrimination in the workplace. Under Title VII, employers are prohibited from discriminating in hiring, firing or any terms and conditions of employment on the basis of race, color, religion, sex or national origin. Because sex discrimination is forbidden under Title VII, this Act also protects workers from sexual harassment, which is a form of discrimination on the basis of sex.

- **The Equal Pay Act of 1963**

The Equal Pay Act of 1963 prohibits an employer from paying lower wages to women than to men who perform the same work.

- **The Lilly Ledbetter Fair Pay Act**

The Lilly Ledbetter Fair Pay Act of 2009 amended the Civil Rights Act of 1964 to make it easier for plaintiffs to bring equal pay lawsuits. Under the Act, the 180-day statute of limitations for filing a lawsuit based on pay discrimination resets with each new paycheck that has been affected by an employer's discrimination.

- **The Americans with Disabilities Act**

The Americans With Disabilities Act prohibits workplace discrimination against employees who are disabled. Employers may not consider disability status when deciding whether to hire, fire or promote an employee. A worker's disability should also not be a relevant factor when an employer sets the terms and conditions of employment. If an otherwise qualified disabled

individual requires reasonable accommodations to perform work, an employer is required to make those accommodations provided it is not overly burdensome to do so.

- **The Age Discrimination in Employment Act**

The Age Discrimination in Employment Act prohibits discrimination against employees aged 40 and older. Younger workers are not protected under federal civil rights laws from being discriminated against. Employers may not consider a person's advanced age in the terms or conditions of employment or in hiring or firing of workers. With very limited exceptions, employers are also not permitted to charge older workers more for workplace benefits or to force early retirement because of the age of a worker.

California State Laws on Discrimination

The federal government has not yet passed a law applicable nationally that prohibits workplace discrimination on the basis of sexual orientation. As a result, in some states, it is still legal for employers to discriminate against someone because he or she is a homosexual or transgendered.



In California, statewide laws prohibit discrimination against people in the LGBT community. Gender identity has been protected since 2004, while discrimination on the basis of sexual orientation was first protected in the state in 1992.

Prohibited Discrimination

The federal and state laws that protect you from on-the-job discrimination apply very broadly. You are obviously protected from overt discrimination, such as an employer refusing to hire or promote you because you are a woman, because you are gay, or because you are African American, hispanic or Latino. However, you are also protected from other forms of

discrimination as well including disparate impact discrimination and hostile work environment discrimination.



Disparate impact discrimination exists when an employment qualification requirement that seems neutral has the effect of disqualifying many more minority or protected candidates. Hostile work environment discrimination exists when the people you work with make you uncomfortable on the basis of protected status.

An experienced employment law attorney can help to determine whether illegal on-the-job discrimination has occurred and can assist in taking legal action. Consult with a lawyer to protect your rights.

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About Sepahi Law Group, APC



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At the Sepahi Law Group APC, we have established a reputation for providing sophisticated legal expertise, extraordinary dedication to our clients' needs and innovative solutions to the legal challenges confronting businesses. We offer the detail-oriented and specialized legal services normally associated with the largest law firms in the country while delivering the personalized attention more closely associated with smaller firms. Whether we are providing counsel on regulatory compliance and contractual terms or representing our clients in a business litigation dispute, our firm is committed to formulating a clear understanding of our clients' objectives and providing a level of service that makes it seem like we have no other client.

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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.

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