



Winning
Justice *for*
Working
Women

Workplace Discrimination: What Are Your Rights?

Title VII of the Civil Rights Act of 1964 **prohibits discrimination based on race, color, gender, religion or national origin**. Expansions of this original law also protect against discrimination based on **age, pregnancy, physical or mental disability**.

Discrimination based on these 'protected categories' is illegal when determining:

- Hiring/Firing
- Wages and benefits
- Promotions, transfers, layoffs and recalls
- Training and apprenticeship programs
- Assignment and classification of employees
- Working Conditions

Private companies with 15 or more employees as well as federal, state and local governments are covered by Title VII. Most states have anti-discrimination laws, which may cover smaller employers. Call the 9to5 Helpline (800-522-0925) for details.

You must be able to prove one of these things:

- You were treated differently than another employee because you are of a 'protected category'. The employer will then seek to show that there was a legitimate and non-discriminatory reason for his/her action.
- A policy which affects you directly has an overall discriminatory impact. The employer will in this case try to counter by showing that the policy is necessary in order to perform the job.

Examples of illegal discrimination include:

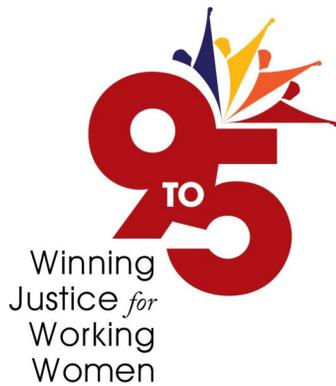
- You are not hired, appointed or promoted into a job, but a person of another race, gender, disability status, etc. and with less tenure and experience is.
- You have trained people of another race/gender/age who are now supervising you.
- Promotional opportunities are offered more to people of one race/gender/religion, etc. than to others.
- A majority of the employees in your department or office are held by members of one race/gender/age group, but most of the administrative jobs are held by another.

What to do if you experience illegal discrimination:

1. Keep written records
 - Record all incidents that are part of your charge of discrimination. Note the date, time, place, witnesses and important details.
 - Respond to any negative evaluations in writing and keep copies of both.
 - Collect all positive evaluations and letters of praise about your work.
 - Keep all records at home.

9to5 does not provide legal advice. As a membership and advocacy non-profit organization, we offer information on workplace rights and how to handle workplace issues.

*For more information about your rights on the job, call the 9to5 Job Survival Helpline
1-800-522-0925 or helpline@9to5.org*



Workplace Discrimination: What Are Your Rights? (Continued)

2. Talk to other people

- If it's happening to you, it may be happening to others in your company. Their stories will strengthen your case, and can provide important support to you. Co-workers may also know how the company has handled such situations in the past.

3. Attempt an internal resolution

- **Memo strategy:** If you believe you are being disciplined or harassed based on illegal discrimination, an internal resolution can be quicker and easier than turning to the courts. Ask for a meeting to discuss the problem; ask for a period of time to improve the problem; follow up the meeting with a memo and keep a copy; work on the situation; ask for feedback during the allotted time periods; and meet at the end of the time to assess progress.
- **Report it:** Many large companies have Equal Employment Opportunity Officers or Personnel Officers who are trained in handling discrimination. If you feel you can trust this person, they can be a good place to start.

4. File a charge of Discrimination:

- **Go to the Equal Employment Opportunity Commission:** You must file a charge of discrimination within 180 days of the time the discrimination has occurred. You will be interviewed by an EEOC employee, who will make a recommendation about whether you should file a charge or not. Regardless of what the EEOC recommends, you may file a charge if you wish. Be sure to sign and date the charge and take a copy with you. The EEOC will notify your employer within 10 days that you have filed a charge of discrimination. (Your name will be disclosed to the company, but retaliation for filing a discrimination charge is illegal). The EEOC will then invite both you and your employer to come to a voluntary conference to discuss the allegation and present evidence. If an agreement cannot be reached at the conference, the EEOC will continue to investigate. At the end of its investigation, the EEOC will issue its findings and you will likely get a "right to sue" letter from the EEOC. You will then have 90 days to file your suit in federal court. If you decide to file, you will probably want to hire an attorney. State anti discrimination agencies follow a similar process.
- **Hire an attorney:** You do not need an attorney to go to the EEOC. However, don't let the EEOC persuade you that you don't have a good case; before giving up, check with an attorney specializing in employment discrimination law. Once you have a right to sue letter and decide to file in federal court, you will probably want an attorney. Call 9to5 for a referral.

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