

Guide to Employment Discrimination Laws in the United States

It is illegal for your employer to treat you unfairly because of your race, color, national origin, sex, religion, age, or disability. This is called employment discrimination.

What does discrimination mean?

Discrimination means that your employer treats you differently or unfairly because of your race, color, national origin, sex, religion, age, or disability.

Harassment. It is also illegal for your employer, supervisor or coworkers to harass you on the job because you are of a different race, color, national origin, sex, religion, or age or because you have a disability.

- If your coworkers make fun of you, hang nooses in the locker room, hang dirty pictures of men or women, or say bad things about people from your country, this may be illegal harassment under the law.
- You should tell your employer or supervisor that you are being harassed.

Sexual harassment

My boss says I can't have a job unless I go on a date with him. Is that okay?

It is definitely not okay. It is called sexual harassment and it is illegal.

Discrimination can happen *before* you get a job, *while* you are working, or *at the end* of a job.



The job ad. An employer cannot advertise for only one kind of person to fill a position.

The interview. An employer cannot make sexist or racist remarks in the interview, or ask questions about your disability.

An employer cannot ask only women if they are married or have or are going to have children, if it will affect the decision whether to hire them.

Terms and conditions. An employer cannot give you fewer benefits, pay you less, or otherwise treat you differently because you are a woman, of a different race or religion, come from a different country, are old, or have a disability.



Firing. An employer cannot fire you for any of these reasons, either.

Reasonable accommodation

If you have a disability but are qualified for a job, your employer must provide you with the tools or work environment changes to help you apply for or do the job, as long as it is not too hard or too costly for the employer to do.

- If you are blind, your employer may be able to provide you with a talking computer.
- If you have a bad back, your employer may be able to ask another employee to lift heavy items for you.
- If you are pregnant, see [Women's Guide to Pregnancy on the Job in the United States](#) for more information.

Where do I go if my employer is treating me unfairly because of my race, color, national origin, sex, religion, age, or disability?

The first thing you should do if you are being treated unfairly or being harassed is to talk to your supervisor or someone else in authority, to see if the problem can be solved. If you and your employer cannot solve the problem, you can file a complaint.

You can file a complaint with the federal Equal Employment Opportunity Commission (EEOC).

- There is an EEOC branch office in almost every state.
- To find the office that is closest to you, call 1-800-669-4000. There are operators who speak English, Spanish, Vietnamese and Chinese at this number.
- If you are deaf, you can call TTY: 1-800-669-6820.

You can also file a complaint with a state Fair Employment Practices Agency (FEPA).

- Almost every state has its own discrimination law.
- Agencies that enforce state discrimination laws are often called human rights commissions or human relations commissions.
- The only states that do not have a discrimination law are Alabama and North Carolina. Alabama does make it illegal to discriminate based on your disability.
- Georgia and Mississippi have discrimination laws that apply only to state government employees.
- Some cities and counties have FEPAs, as well.

Often, state and city discrimination laws cover more grounds than the federal law. Some grounds that state laws may cover include homosexuality, marital status, or whether you have been accused or convicted of a crime. To find out if one of these grounds is covered in your state, call your state human rights or human relations commission.

City and county FEPAs

In some places, you can choose to file your complaint with a federal, state or city agency.

- In some cities, like New York, Philadelphia and San Francisco, you can file your complaint with the EEOC, the state human rights commission, or the city human rights commission.
- In the city of Chicago, you have four choices of where to file your complaint: the EEOC, the state human rights commission (Illinois), the county human rights commission (Cook County), or the city human rights commission.
- In some states, human rights commissions also accept housing discrimination complaints and civil rights complaints.

What happens if I file a complaint with the state, city or county FEPA?

- Every FEPA is different, so call the FEPA in your state or community to find out its rules.
- Many FEPAs are similar to the EEOC. They will investigate and try to mediate discrimination complaints.
- Unlike the EEOC, some FEPAs have a hearing process and issue a decision like a court decision.
- You and your employer can appeal the FEPA's decision if you disagree with the outcome.

Know the law of the state where you work

- In the United States, federal law protects you from employment discrimination.
- There are also laws that protect you from discrimination in 48 states, the District of Columbia and the U.S. territories, including Puerto Rico, the Virgin Islands, the Marianas Islands, and Guam.

How do I choose where to file my discrimination complaint if there is more than one office in my community to choose from?

It is not easy to say whether it's better to file your complaint with the EEOC or with the state FEPA. It depends on the state and sometimes the city where you live.

Some things to think about:

- How big is my employer? Federal discrimination law protects you only from employers that have 15 or more employees. If you work for a small employer, it may be better for you to file with the state or city commission.
- Which law offers more protection to people in my group? Some states and cities have laws that cover more groups or more people than others. For more information, you should call the EEOC branch office or the FEPA in your city or state.

Do not worry if you file your complaint in the wrong office. The EEOC has work-sharing agreements with state and local offices and should send your complaint to the right office.

Some states cover more employers than the EEOC does.

Federal discrimination law covers employers that have at least 15 employees. For discrimination based on age, federal law covers employers that have at least 20 employees.

Thirty-six states and territories cover smaller employers.

- At least one employee: Alaska, Colorado, District of Columbia, Hawaii, Maine, Michigan, Minnesota, Montana, New Jersey, North Dakota, Oregon, Puerto Rico, South Dakota, Utah, Vermont, Virginia, and Wisconsin
- At least two employees: The Virgin Islands and Wyoming
- At least three employees: Connecticut
- At least four employees: Delaware, Iowa, Kansas, New Mexico, New York, Ohio, Pennsylvania, and Rhode Island
- At least five employees: California and Idaho
- At least six employees: Indiana, Massachusetts, Missouri, and New Hampshire
- At least eight employees: Kentucky, Tennessee and Washington
- At least nine employees: Arkansas
- At least 12 employees: West Virginia

When should I file a complaint?

You have 180 days (six months) from the date on which you were discriminated against to file a discrimination complaint with the EEOC.

In some states, the EEOC allows you 300 days (a little less than a year) to file your complaint. Some states provide longer periods.

Do not wait too long before you file a complaint. You will lose your rights if you wait too long.

Retaliation is illegal.

Will I be fired or treated badly if I file a complaint or if I am a witness for someone else's complaint?

- It is illegal for your employer to fire you or treat you badly because you filed a discrimination complaint.
- This is called retaliation.
- It is illegal for your employer to retaliate against you even if the actions you complained about would not be considered discrimination under the law.

Will I be deported if I complain about discrimination?

- You will not be deported if you have a legal work visa.
- Even if you do not have a legal work visa, it is still unlawful for your employer to threaten to deport you if you complain about discrimination.

What happens after I file a complaint with the EEOC?

- **Investigation.** First the EEOC asks questions and looks through records to find out whether there is illegal discrimination in your workplace.
- **Mediation.** If the EEOC investigator believes that illegal discrimination exists, he or she may try to solve the problem by mediation — having a neutral person (mediator) help you and your employer solve the problem by talking together.
- **Right to sue.** If the EEOC cannot help you and your employer solve the problem, the EEOC may issue you a “right to sue” letter. This allows you to file a lawsuit against your employer in court.

In some very rare cases where discrimination or retaliation is especially bad, the EEOC itself may sue an employer who discriminates.

Foreign workers are covered too.

Even if you are a foreign worker without a valid work permit, your employer may not discriminate against you. Contact the EEOC for more information.

I am a farm worker. Am I protected?

- Yes, farmers and farm labor contractors may not discriminate against you.
- If the farm labor contractor or farmer tells you, for instance, that you cannot have a job because you are old or you are a woman or you are pregnant, you can file a complaint with the EEOC or state FEPA.

Equal pay for men and women

- Women must be paid the same as men for the same work.
- If you are not receiving equal pay for equal work, call the EEOC.

Unions, temporary agencies and farm labor contractors may not discriminate against you, either.



Commission for Labor Cooperation