



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**THE EEOC'S LAWS and UNLAWFUL
DISCRIMINATION**

Presented by

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

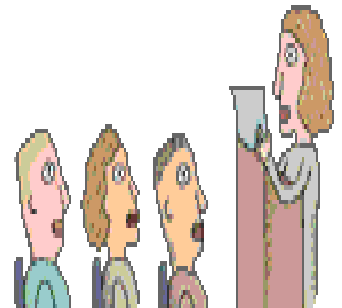
Birmingham District Office

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Laws Enforced by the EEOC



- Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination based on sex, race, religion, national origin, and color
- The Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against persons 40+ and older
- The Equal Pay Act of 1963 (EPA) prohibits sex-based wage discrimination between women and men in the same establishment performing equal work under similar working conditions
- The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against a qualified individual with a disability
- Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits discrimination based on a person's genetic information
- All laws prohibit **retaliation** against persons who engage in protected activity.

Covered Employment Actions

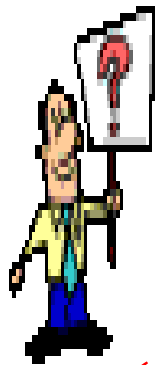
- Benefits
- Discharge
- Discipline
- Harassment
- Hiring
- Lay-off
- Promotion
- Reasonable/Religious Accommodation
- Recruitment
- References
- Training
- Wages
- Work Assignments





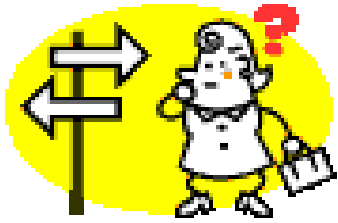
FY 2012 Enforcement & Litigation Statistics

- **EEOC received 99,412 private sector charges, 535 less than the number of charges received in FY 2011 .**
- **EEOC obtained \$409.6 million in relief through enforcement (\$365.4) and litigation (\$44.2).**
- **Nationally, 38.1% of charges alleged retaliation, 33.7% race, 30.5% sex, 26.5% disability, and 23% age.**
- **In Alabama, 49.6% of charges alleged race, 36.9% retaliation, 33.5% sex, 20.9% disability, and 19.6% age.**
- **In Mississippi, 46.6% of charges alleged race, 32.4% sex, 30.2% retaliation, 18% disability, and 15% age.**
- **In Florida, 38.2% of charges alleged retaliation, 34% sex, 28.6% race, 22.5% disability, and 20.9% age.**
- **The most frequently alleged employment actions: discharge, terms/conditions, & harassment.**



Who May File a Charge of Employment Discrimination?

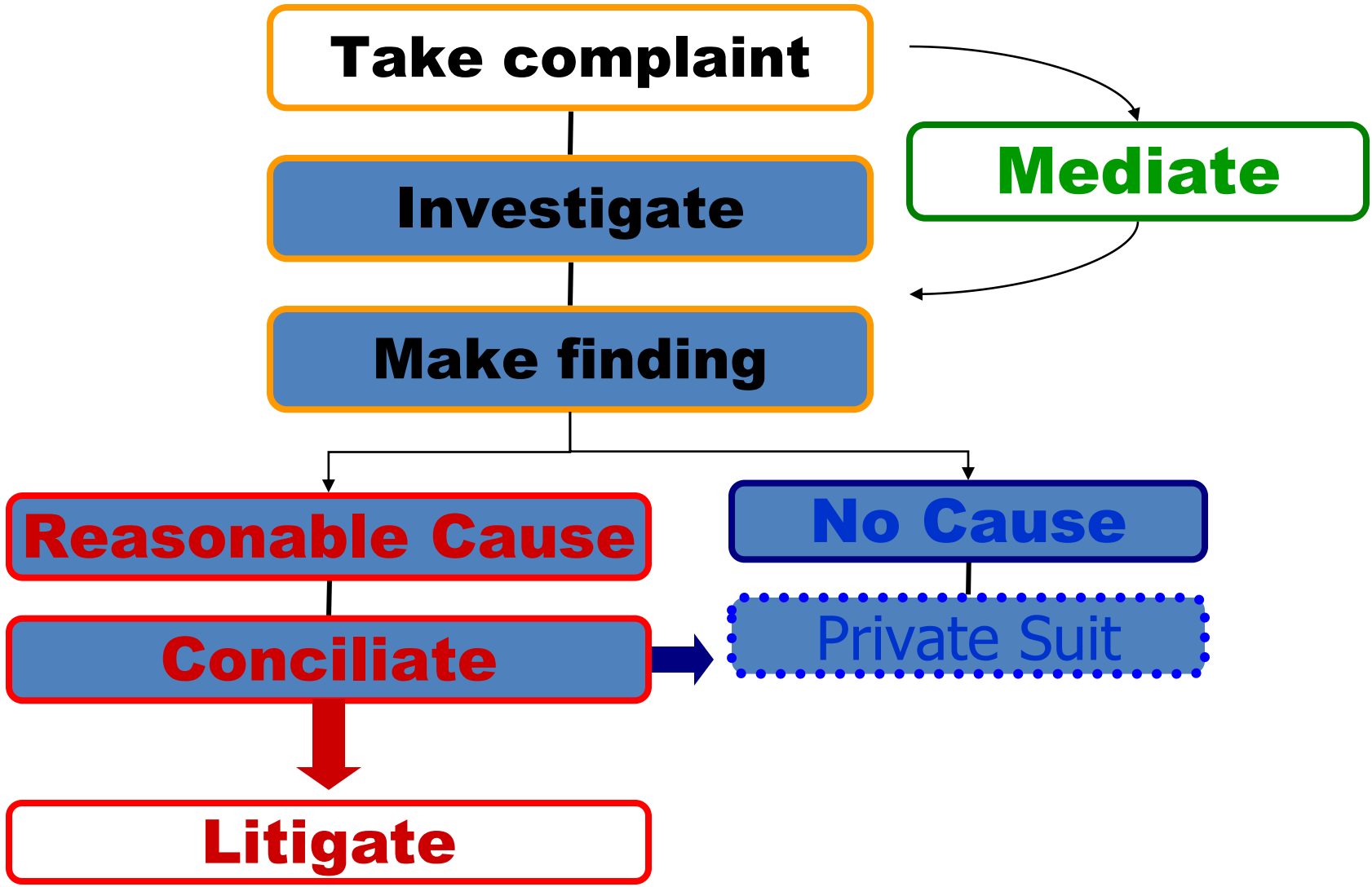
- ✓ Any Aggrieved Person
- ✓ Another person on the aggrieved person's behalf
- ✓ A group or organization on the aggrieved person's behalf
- ✓ An agency on the aggrieved person's behalf



What does a person need to file a charge?

- **A sincere belief that a law enforced by the EEOC has been violated**
- **File within 180 days of the alleged discriminatory act (300 days when there is a FEPA)**
- **Meet jurisdictional requirements re: the employer has the requisite number of employees as defined by law**
- **Or, insist on filing a charge**

EEOC's Charge Handling Process





Title VII prohibits discrimination on the basis of:

- Race
- Color
- Sex (including pregnancy)
- Religion (including requirement to reasonably accommodate religious practices of applicants and employees)
- National Origin (including ethnic background and traits associated with national origin like family surname, language, or accent)



The Age Discrimination in Employment Act (ADEA)

- Prohibits discrimination because of age
- Applies to persons 40 years old and older
- Covers employers with 20 or more employees
- Is based on the Fair Labor Standards Act
- EEOC can conduct directed investigations
- Individuals can file complaints



The Equal Pay Act



- President Kennedy signed the Equal Pay Act into law June 10, 1963.
- Prohibits sex-based wage discrimination between men and women who perform the same job requiring equal skill, effort, and responsibility
- Both men and women are covered
- Includes fringe benefits
- Is based on the Fair Labor Standards Act
- Individual can file lawsuit and is not required to file a charge; individual can file a complaint
- EEOC can conduct a directed investigation

The Americans with Disabilities Act (ADA)



- Prohibits discrimination on the basis of disability, including the requirement to provide a reasonable accommodation to persons with a physical/mental impairment
- Covers individuals who have a physical or mental impairment which substantially limits one or more major life activities and can perform the essential functions of the job with or without a reasonable accommodation
- Covers individuals with a record of a disability
- Covers individuals regarded as having a disability



The Americans with Disabilities Act Amendments Act (ADA AA)

- Directs EEOC to construe the term “disability” broadly
- Includes two non-exhaustive lists of major life activities, such as seeing, hearing, eating, sleeping, walking, breathing, reading, thinking, communicating, learning, concentrating, studying, lifting, bending, speaking, working, caring for oneself, and performing manual tasks. Major life activities also include the operation of “major bodily functions,” such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, reproductive, and the endocrine systems.



Is the person a qualified individual with a disability?

- Does the person have the skills, education, employment experience or licenses required for the job?
- Can the person perform the essential functions of the job with or without a reasonable accommodation?
- Note: Person must be a qualified individual able to perform the essential functions of the job with or without a reasonable accommodation

The Genetic Information Nondiscrimination Act (GINA)



- Signed into law by President Bush in September 2008 and became effective November 21, 2009
- Prohibits use of genetic information to discriminate in employment
 - Includes prohibition on harassment and retaliation
- Restricts employers and other entities covered by GINA from requesting, requiring, or purchasing genetic information
- Requires that covered entities keep genetic information confidential, subject to limited exceptions



Unlawful Discrimination

- **To treat someone differently because of race, sex, color, religion, national origin, age, disability or genetic information in an employment decision or action may violate federal laws.**
- **Federal courts have established prima facie elements or standards of proof - - the minimum amount of proof required of a complainant to shift the burden of production to the employer to provide a legitimate, nondiscriminatory explanation for its action.**
- **There are standards of proof for every employment action. EEOC analyzes evidence submitted by the charging party and the employer according to these standards.**



THE EEOC'S GOAL IS:

- **Equal Employment Opportunity**
 - **For All**

