

# EEO Laws



## **Title VII of the Civil Rights Act of 1964, as amended in 1972, 1978, and the Civil Rights Act of 1991**

This law prohibits employment discrimination by public and private employers in any personnel transactions because of race, color, national origin, religion or sex.

1. Race.

*American Indian or Alaskan Native* – a person having origins in any of the original peoples of North America and South America (including Central America) and who maintains tribal affiliation or community attachment. *Asian* – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. *Native Hawaiian or Other Pacific Islander* – a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. *Black or African American* – a person having origins in any of the Black racial groups of Africa. *White* – a person having origins in any of the original peoples of Europe, North Africa or the Middle East. *Hispanic or Latino (All races)* – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

2. Color. Lightness or darkness of skin.

3. National Origin. Where individual or ancestor(s) was born.

4. Religion. Sincerely held religious belief. Practical accommodations for individual religious practices and beliefs may include flextime, adjusted holiday schedules, permitting employees to make up time lost due to religious observance, etc.

5. Sex. Male and female.

This law is enforced by the United States Equal Employment Opportunity Commission (EEOC). A complaint must be filed with EEOC before the case can be filed in court. Remedies available include equitable, compensatory (if intentional discrimination), and punitive (if malice or reckless indifference) damages.

## **Equal Pay Act of 1963**

Prohibits employment discrimination of compensation based on gender. Requires equal pay for equal work when terms and conditions of employment are the same. This law is also enforced by the United States Equal Employment Opportunity Commission.

## **Age Discrimination in Employment Act of 1967 (ADEA), as Amended**

This law prohibits discrimination by public and private employers in any personnel transactions because of age (40 years and older). It also prohibits giving preference because of age to one person over another within the protected group (e.g., giving preference to a 42-year old over a 60-year old). Enforcement is by the United States Equal Employment Opportunity Commission.

## **Title IX of the Education Amendments of 1972**

This law prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. The U.S. Department of Education gives grants of financial assistance to schools and colleges. Examples of conduct that violate Title IX include: harassment, failure to provide equal opportunity in athletics, and discrimination based on pregnancy. The Title IX also prohibits employment discrimination. Employment discrimination complaints filed with OCR are generally referred to the Equal Employment Opportunity Commission.

## **Americans With Disabilities Act (ADA)**

The ADA is designed to remove barriers which prevent qualified individuals with disabilities, both physical and mental, from enjoying the same employment opportunities and program services that are available to persons without disabilities. The law requires employers to make reasonable accommodations to qualified individuals who can perform the essential duties of the job in question with or without accommodation. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such an impairment; or is regarded as having such an impairment.

### **Primary Legal Theories for Determining Discrimination Under EEO Laws**

1. Disparate Treatment. Examines whether the individual was treated the same or differently than like or similarly situated employees not of the employee's same class under like or similar circumstances.
2. Disparate Effect/Adverse Impact. States that if an employer has a policy that is neutral on its face but has a disproportionate effect or impact on a protected class, the policy must be justified by legitimate business necessity.

### **EEOC Guidelines on Sexual Harassment**

Sexual harassment is a form of sex discrimination which is a violation of Title VII of the Civil Rights Act of 1964, as amended. The EEOC's guidelines define sexual harassment. It includes the following situations.

1. When unwelcome sexual advances and requests are made explicitly or implicitly a term or condition of an individual's employment and the individual's submission or rejection is used as a basis for employment decisions affecting the individual.
2. When unwelcome verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Examples include unwelcome touching, suggestive comments, offensive language or display of sexually oriented materials, obscene gestures and similar sexually oriented behavior of an intimidating or demeaning nature which is pervasive as determined by the severity of the conduct.

### **Internal Policies and Procedures**

Policies governing the above areas include AgCenter PS-23, Equal Employment Opportunity and Affirmative Action, and AgCenter PS-19, Sexual Harassment. Employees are impacted by these policies in three ways:

1. Each policy prohibits employees from engaging in certain types of behavior – discrimination, harassment, etc.
2. Each policy provides employees with a set of internal procedures to be used when they believe they are a victim of discrimination or harassment. The policies also protect the rights of the accused through established procedures.
3. Employees are also required to report any violations of policy of which they become aware. Prevention and early intervention are two of the most effective tools for eliminating discrimination in the workplace. When such matters are addressed promptly and in the earliest stages, it is much easier to correct the problem with the minimum impact on the individuals involved.

For information on complaint procedures and applicable timeframes, contact the AgCenter HRM Office at 225/578-2258 or the LCES Civil Rights Office at 225/578-2633.