

FEDERAL LAWS PROHIBITING DISCRIMINATION IN THE WORKPLACE

compiled by Peggy Hall www.TheHealthyAmerican.org

EEOC.gov

The nearest EEOC field office may be contacted by calling: 1-800-669-4000
https://eeoc.custhelp.com/app/answers/detail/a_id/304

EEOC is an independent federal agency originally created by Congress in 1964 to enforce Title VII of the Civil Rights Act of 1964.

Title VII, the ADA, and GINA cover all private employers, state and local governments, and education institutions that employ 15 or more individuals.

ADA – Questions and Answers

ADA, Rehabilitation Act, 29 CFR Part 1630
<https://www.eeoc.gov/laws/guidance/ada-questions-and-answers>

GINA – Genetic Information Nondiscrimination Act

<https://www.eeoc.gov/laws/guidance/fact-sheet-genetic-information-nondiscrimination-act>

Title VII of the Civil Right Act of 1964

*Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, as it appears in volume 42 of the United States Code, beginning at section 2000e. **Title VII prohibits employment discrimination based on race, color, religion, sex and national origin.** The Civil Rights Act of 1991 (Pub. L. 102-166) (CRA) and the Lily Ledbetter Fair Pay Act of 2009 (Pub. L. 111-2) amend several sections of Title VII. In addition, section 102 of the CRA (which is printed elsewhere in this publication) amends the Revised Statutes by adding a new section following section 1977 (42 U.S.C. 1981), to provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973.*

<https://bit.ly/3pgQMzv>

<https://www.eeoc.gov/fact-sheet/federal-laws-prohibiting-job-discrimination-questions-and-answers>

What is prohibited by the laws enforced by the EEOC?

EEOC enforces federal laws that prohibit employment discrimination by employers, including state and local government employers; employment agencies; and labor organizations. They are:

- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination **based on race, color, sex, religion, or national origin;**
- The Age Discrimination in Employment Act (ADEA), which prohibits age discrimination in employment against persons who are **40 years of age or older;**
- The Americans with Disabilities Act (ADA), which prohibits employment discrimination because of **actual or perceived disability;**
- The Equal Pay Act (EPA), which prohibits **paying different wages to men and women** who perform substantially equal work in the same establishment; and
- Genetic Information Non-discrimination Act (GINA), which prohibits employment discrimination based on genetic information.

All five statutes prohibit **retaliation** based on protected EEO activity.

Title VII, the ADA, and GINA cover employers have at least 15 employees while the ADEA covers employers with at least 20 employees.

The statutes also prohibit employment discrimination by the federal government. Allegations of employment discrimination by federal employees and applicants for federal employment are called "complaints" and are handled initially by the agency involved. Applicants and employees must contact an EEO officer of the federal agency within 45 days of the alleged discriminatory action.

Religious Accommodation

- An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship.

EMPLOYERS REQUIREMENTS – “Families First”

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

OSHA Requirements from your employer

<https://www.dir.ca.gov/oshsb/documents/COVID-19-Prevention-Emergency-apprvd.txt.pdf>

FEDERAL PROTECTION of Religious Liberty

<https://www.justice.gov/jm/1-15000-respect-religious-liberty-0#1-15.300>

And

<https://www.federalregister.gov/documents/2017/10/26/2017-23269/federal-law-protections-for-religious-liberty>

DIRECT THREAT Definition

EXAMPLES OF RELIGIOUS PROTECTION

REMEDIES:

<https://www.eeoc.gov/fact-sheet/federal-laws-prohibiting-job-discrimination-questions-and-answers>

FAQ for filing a complaint with EEOC: <https://bit.ly/37FAytz>

LEGAL OPTIONS – LAW FIRMS TO RESEARCH

Christian Legal Society - <https://www.christianlegalsociety.org/>

“(8) “Face covering” means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth”

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following: (A) The employer’s COVID-19 policies and procedures to protect employees from COVID-19 hazards. (B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers’ compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer’s own leave policies, and leave guaranteed by contract. (C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms. (D) Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings. (E) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.

(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled. (G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. (H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms

(7) Face coverings. (A) Employers shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the CDPH or local health department. Employers shall ensure face coverings are clean and undamaged. Face shields are not a replacement for face coverings, although they may be worn together for additional protection. The following are exceptions to the face coverings requirement: 1. When an employee is alone in a

room. 2. While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible. 3. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders. 4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.

DISCREPANCIES:

Face shields are not a substitute

Then it says you can use face shields – with an APRON or DRAPE!!!

Employees may not return to work until they no longer have covid
But not negative test is required

REMEDIES:

1. FILE A WORKPLACE COMPLAINT WITH State OSHA -
<https://www.dir.ca.gov/title8Index/t8index.asp>
2. FILE with EEOC (useless)
3. File with your local health department
4. File with professional licensing board
5. File with STATE Civil Rights Commission
- 6.