



# Legal Compliance

Courtesy of E.B. Cohen

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## Q

**What types of employer conduct are prohibited under federal law?**

## A

Federal law prohibits discrimination in many different forms, including:

- Rejecting job candidates, terminating employees or discriminating against them in any way due to their race, color, religion, sex or national origin
- Limiting, segregating or classifying candidates or employees in any way that deprives them of employment opportunities or affects them adversely as employees due to their race, color, religion, sex or national origin

Discrimination in employment is in violation of the Civil Rights Act. Here are some examples of prohibited discrimination:

- National origin discrimination, such as making it mandatory that employees speak only English at work, is prohibited unless it is necessary for business.
- Not providing religious accommodation, such as forbidding an employee to take his or her breaks at nonstandard times for prayers, is prohibited unless doing so would cause undue hardship for the employer.
- Sexual harassment, such as unwelcome flirtation or requests for sexual favors is prohibited.
- Pregnancy-based discrimination, such as rejecting an obviously pregnant candidate because you anticipate that she may be taking maternity leave shortly, is prohibited.
- Age discrimination (based on the Age Discrimination in Employment Act, or ADEA), such as specifying age preferences or limitations in job postings, rejecting or terminating a qualified candidate or employee due to his or her age, or providing fewer benefits to older employees is prohibited. Specifying age preferences or limitations may, in rare instances, be permitted if being a specific age is pertinent to the job being advertised.

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- Providing different wages to men and women who perform similar work and have similar experience is prohibited under the Equal Pay Act (EPA). The EPA prohibits reducing wages to equalize pay, and states that violations can occur when wages differ between employees working the same job, regardless of whether or not they were employed simultaneously. Violations may also occur where union activity results in employers providing unequal pay.
- Disability discrimination, where an employer discriminates against a qualified individual on the basis of the disability. The Americans with Disabilities Act provides detail on who is considered a “qualified individual” and what is considered “discrimination” in this instance.