

Repeat Offenders: Most Common Types of Employment Discrimination Claims.

With the national unemployment mark nearing ten percent (10%), many Alabamians are suffering the consequences of having been terminated or repeatedly denied employment. While employers across the State of Alabama are given somewhat free reign to hire and fire employees in an “at will” employment system, the employers cannot rely upon discriminatory motives when making those decisions.

On average, more than 80,000 employment discrimination claims are filed nationwide each year. An analysis of those claims reveals that the four (4) most common claims concern race, age, disability, and gender discrimination. The following is a summary of the legal rights an individual has to be free from race, age, disability, and gender discrimination in employment.

Race Discrimination

Title VII of the Civil Rights Act, which applies to employers with 15 or more employees, protects individuals from discrimination based on race. In essence, the law states that an employee may not be discriminated against because of his or her race regarding any term, condition, or privilege of employment (including, but not limited to, hiring, promotions, transfer, discharges, and pay). Examples of racial discrimination would include paying white employees more than employees of other races for the same work, allowing only white employees to work overtime, or relying on racial stereotypes to decide who should get a raise or promotion.

Age Discrimination

The *Age Discrimination in Employment Act*, which applies to employers with 20 or more employees, protects employees who are 40 years of age or older against discrimination based on their age. The *ADEA* generally protects against age discrimination based on any term, condition, or privilege of employment. Examples of age discrimination would include requiring employees to retire at a certain age, refusing to hire someone because of his or her age, denying older employees benefits, or refusing to assign certain jobs to older employees because of their age.

Disability Discrimination

The *Americans with Disabilities Act*, which applies to employers with 15 or more employees, prohibits employers from discriminating against qualified disabled employees and requires employers to reasonably accommodate an employee’s disability unless the accommodation would unduly burden the employer.

Gender Discrimination

Title VII also prohibits discrimination based on sex or gender and applies to discrimination regarding any term, condition, or privilege of employment. Gender discrimination claims apply equally to men and women, although the majority of claims involve

discrimination against women. Examples of gender discrimination include paying someone less or more money simply because the person is a man or woman, allowing a person of one gender to work overtime but not the other, relying on sexual stereotypes (such as not hiring a woman to do physical work), or implementing certain policies that happen to favor men over women (such as a physical test that is unrelated to job performance). The broad scope of gender discrimination claims also encompasses claims based upon sexual harassment and discrimination against a woman based on the fact that she is pregnant.

Legal Help

If you are an Alabama resident and believe that you have been the victim of discrimination in the workplace, we would welcome the opportunity to speak with you. Our firm offers a free initial consultation so that we may determine the best course of action to protect your rights under state and federal laws. We attempt to represent all employment claims on a contingency fee basis.