

EMPLOYMENT DISCRIMINATION (No. 1)

Hi-Again! There are very few things that will get a leader in trouble more than discrimination. Even though a leader might think they “know” the discriminatory laws, it behooves every leader to revisit the laws for a reminder. Be aware that any conversation about discrimination (even behind closed doors) tends to leak into the community with what can be devastating effects for the employer. Suppose a person who applies for a job is highly qualified (more job-related experience and more education) related to the role than the person ultimately hired. In that case, there is often a question about discrimination. Are you, as an employer, or do you work for an “Equal Opportunity Employer?”

There are eleven (11) documented overt types of discrimination--age, disability, equal pay/compensation, genetic information, national origin, pregnancy, race/color, religion, retaliation, sex, and harassment. Nepotism and friendship have their own positive or negative employment concerns. True leaders find it helpful to make known the lack of discrimination on job advertisements, job application forms, and directions to *any group* allowed to participate in the employment process. There should never be a statement of any kind that would suggest the existence of discrimination related to employment. *Think* discriminatory thoughts all you desire; however, *refrain* from mentioning discriminatory views to anyone that could hear your discriminatory comments.

Fifty years after the legislation protection for older workers, *bias* is on the rise in job recruiting. Job interviewers have questions and required documents/documentation that can reveal the applicant's age—including asking age, high school graduation, and the necessity to view a driver's license. Even though some job applications inform potential employees that they do not need to answer the discriminatory questions, potential employees often recognize the interviewing conversation to encourage answering these bias-related questions.

At least one more week is dedicated to sharing the discriminatory laws that help protect employees and employers from discrimination. The Equal Employment Opportunity Commission (EEOC) enforces these laws, and EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies. Following are the first 3 (by date) of the total eight discriminatory laws.

The Equal Pay Act of 1963 is intended to protect against sex-wage discrimination. It means equal pay for equal work as it relates to job content. It is illegal to discriminate based on sex regarding fair and equal pay and benefits in any aspect of employment. It includes overtime pay, bonuses, vacation pay, retirement benefits, and fringe benefits. Exceptions to this law are bona fide seniority, quality or quantity of production, experience, education, and training.

Rights Act of 1964 states that job requirements are uniformly and consistently applied to people of all races, color religion, sex, and national origin.

Age Discrimination in Employment Act (ADEA) of 1967 and the Older Worker's Benefit Protection Act protects individuals of companies of 20 or more employees who are 40 years of age or older. Age Discrimination means treating an applicant or employee less favorably because of his/her age. It prohibits discrimination in *any aspect of employment*—hiring, firing, pay, job assignment, promotions, layoff, training, benefits, job assignment, or *any other condition of employment*. It is not illegal to favor an older worker over a younger worker, even if both workers are 40 years or older. It is generally unlawful to include age preferences, limitations, or age specifications in job notices or advertisements unless shown to be a bona fide and reasonable occupation qualification (U.S. Equal Employment Opportunity Commission)

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