

## DISCRIMINATION IN EMPLOYMENT (No. 2)

Hello--Let us continue from last week's reiteration regarding the laws on discrimination.

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The Civil Rights Act of 1991 provides recovery of compensatory and punitive damages in cases of unlawful intentional employment discrimination where the complaining party is not compensated.

Genetic Information Nondiscrimination Act (Title II) of 2008 prohibits employment discrimination based on genetic information about an applicant, employee, or former employee. It bars employers from using an individual's genetic information when hiring firing, job placement, or promotion decisions.

Americans with Disabilities Act (ADA) (Title I) of 2009 prohibits employment discrimination against qualified individuals with physical disabilities that limit one or more major life activities, who have a history or record of an impairment, or is perceived by others to have such an impairment. The ADA does not state all the impairments that are covered. The requirement is for employers to religious entities with 15 or more employees. It provides qualified individuals with disabilities an equal opportunity to benefit from a full range of employment-related options available to others. It restricts questioning about an applicant's disability before a job offer is made and requires an employer to make reasonable accommodations regarding mental or physical limitation unless it results in an undue hardship (A Guide to Disability Rights Laws).

National Origin Discrimination is an employment policy or practice applying to everyone regardless of race or color. It involves treating people (applicants and employees) unfavorably because they appear to be of ethnic, background, ethnicity, or accent or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin. The law forbids discrimination regarding any aspect of employment, including hiring, firing, paying job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision such as being fired or demoted. (U.S. Equal Employment Opportunity Commission)

Race/Color Discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color. Discrimination can also occur with the victim and the person who inflicted the discrimination are of the same race or color. The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision such as being fired or demoted. (U.S. Equal Employment Opportunity Commission)

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If there is a test to be considered for employment, the test must be about the job's specifics. A fair interview means that there is a legitimate chance of being employed. A fallacious interview implies that even though an interview occurs, someone (most likely) has already been selected to be employed or promoted to the available position. Fallacious interviews are quite common since some organizations have a policy that (if at all possible) a leadership position is filled by a qualified existing employee.

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