

Equal opportunity employment assignment



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EQUAL OPPORTUNITY EMPLOYMENT Definition: Equal Employment

Opportunity guarantees employees a fair treatment. This means that employers cannot discriminate against employees on the basis of age, race, sex, creed, religion, color, or national origin. Equal Opportunity applies to employment practices such as hiring, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation, selection for training, job assignments, accessibility, working conditions and special duty details. The term Equal Employment Opportunity was created by President Lyndon B.

Johnson when he signed Executive Order 11246. This Order prohibits federal contractors and federally assisted construction contractors and subcontractors from discriminating in employment decisions based on race, color, religion, sex, or national origin. Contractors are also required to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. The Equal Employment Opportunity Commission (EEOC): The EEOC is a federal agency that was created to promote equal opportunity in employment.

The EEOC uses administrative and judicial enforcement of the federal civil rights laws, education and technical assistance in order to accomplish its mission. The commission can bring suit on behalf of alleged victims of discrimination against private employers. It also serves as an adjudicatory for claims of discrimination brought against federal agencies. EEOC has five commissioners and a General Counsel. These are appointed by the President and then confirmed by the Senate. Commissioners are appointed for five

year terms. The term of the General Counsel is four years. Currently the Commissioners are: Naomi C. Earp (Chair); Leslie E.

Silverman (Vice Chair); Stuart J. Ishimaru (Commissioner); Christine M. Griffin (Commissioner). The General Counsel is Ronald Cooper. Federal Equal Employment Opportunity (EEO) Laws: The Federal laws that prohibiting job discrimination are: Title VII of the Civil Rights Act of 1964 (Title VII). This act prohibits employment discrimination that is based on race, color, religion, sex, or national origin. The Equal Pay Act of 1963 (EPA). This act prohibits sex-based wage discrimination for men and women who perform substantially equal work in the same establishment. The Age Discrimination in Employment Act of 1967 (ADEA).

This act protects individuals who are 40 years of age or older from employment discrimination based on age. The Civil Rights Act of 1991. This act provides monetary damages in cases of intentional employment discrimination. Title I and Title V of the Americans with Disabilities Act of 1990 (ADA). This act bans employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments. Sections 501 and 505 of the Rehabilitation Act of 1973. These prohibit discrimination against qualified individuals with disabilities who work in the federal government.

The Civil Service Reform Act of 1978 (CSRA). The CSRA prohibits any employee, who has authority, to take certain personnel actions from discriminating for or against employees or applicants for employment on the bases of race, color, national origin, religion, sex, age or disability. It also

provides that certain personnel actions can not be based on attributes or conduct that do not adversely affect employee performance, such as marital status and political affiliation. The Office of Personnel Management (OPM) has interpreted the prohibition of discrimination based on conduct to include discrimination based on sexual orientation.

The CSRA also prohibits reprisal against federal employees or applicants for whistle-blowing, or for exercising an appeal, complaint, or grievance right.

Discriminatory Practices: Discriminatory practices are the prejudicial treatment of employees based on certain characteristics. Age Discrimination
The prejudicial treatment of employees based on their age. The Age Discrimination in Employment Act of 1967 (ADEA) was created to protect individuals who are 40 years of age or older from employment discrimination based on age. It applies to employees and job applicants.

Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA. The ADEA applies to employers with 20 or more employees, including state and local governments.

It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include: Apprenticeship Programs,

Job Notices and Advertisements, Pre-Employment Inquiries and Benefits.

Race Discrimination Race discrimination is the prejudicial treatment of employees based on their race. According to Title VII of the Civil Rights Act of 1964, equal employment opportunity cannot be denied to any person because of his/her racial group or perceived racial group, his/her race-linked characteristics or because of his/her marriage to or association with someone of a particular race or color.

Title VII applies to employers with 15 or more employees, including state and local governments; to employment agencies; to labor organizations; and to the federal government. Title VII also prohibits employment decisions that are based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. It is unlawful to discriminate against any individual in regard to recruiting, hiring, promotion, transfer, work assignments, performance measurements, work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment.

Religious Discrimination Religious discrimination is the prejudicial treatment of employees based on their religion. Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment.

Employers may not treat employees or applicants unfavorably because of their religious beliefs or practices. Employees cannot be forced to participate or not participate in a religious activity as a condition of employment.

Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. An employer is not required to accommodate an employee's religious beliefs and practices if doing so would require more than ordinary administrative costs, diminish efficiency in other jobs, infringe on other employees' job rights or benefits, impair workplace safety, cause co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression, unless the religious expression would impose an undue hardship on the employer. Employers must take steps to prevent religious harassment of their employees. Disability Discrimination Disability discrimination is the prejudicial treatment of employees based on their disabilities.

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations.

The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and it's

implementing rules. An individual with a disability is a person who: has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities. Job restructuring, modifying work schedules, reassignment to a vacant position. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not require significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids. Sex-Based Discrimination Sex-based discrimination is the prejudicial treatment of employees based on their gender. Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of sex as well as race, color, national origin, and religion.

It applies to employers with 15 or more employees, including state and local governments; to employment agencies; to labor organizations and to the
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federal government. It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. The Equal Pay Act of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. Pregnancy Discrimination Pregnancy discrimination is a form of sex discrimination. It is the prejudicial treatment of employees on the basis of pregnancy. The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government.

Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations. An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers. An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. Pregnant employees must be permitted to work as long as they are able to perform their jobs.

If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave

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until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth. ? Sexual Harassment Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. National Origin Discrimination National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background.

National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

Retaliation: An employer may not fire, demote, harass or otherwise “retaliate” against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

Retaliation occurs when an employer, employment agency, or labor organization takes an adverse action against a covered individual because he or she engaged in a protected activity. An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, “snubbing” a colleague, or negative comments that are justified by an employee’s poor work performance or history.

Employees are not excused from continuing to perform their jobs or follow their company’s legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination. References

1)Cheeseman, Henry. The Legal Environment of Business and Online Commerce. Prentice Hall 5th edition 2007. 2)Civil Rights Act of 1964 – CRA – Title VII – Equal Employment Opportunities – 42 US Code, Chapter 21.

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2_us_code_chapter_21 3)US Equal Employment Opportunity Commission.

<http://www.eeoc.gov/>