

## DISCRIMINATION & THE EEOC

By Attorney Michael H. Wald

Everyone should be able to get a job and keep a job based on their own abilities. Promotions and wage increases should be given when they are justly deserved. Although this seems logical and just, it does not always occur.

Many people are denied a job opportunity, promotion, or wage increase or are terminated from a present job even though they may be qualified and able to perform that job well. In other words, people are frequently discriminated against in the job market due to their race, color, religion, sex, age or national origin.

The Equal Employment Opportunity Commission, known as the EEOC, was created to assist those who have been unjustly discriminated against in employment.

Discrimination is prohibited in the following work places, listed as Sections A, B, and C.

Section A. Employees of private employers, educational institutions, and state and local government are protected by the EEOC.

The Civil Rights Act of 1964 prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex or national origin. Your age cannot be used as a reason for not employing you, promoting you, or for discharging you. The Age Discrimination in Employment Act of 1967 prohibits age discrimination between the ages of 40 and 70.

Another type of discrimination, sex discrimination, is prohibited by the Equal Pay Act of 1963. This act prohibits sex discrimination in payment of wages to women and men performing

substantially equal work in the same work place.

Section B. Discrimination in programs or activities receiving federal financial assistance is prohibited.

The Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in regards to federally financed activities or programs.

The Civil Rights Act prohibits discrimination on the basis of race, color, or national origin with regards to these types of programs.

Section C. Employees of employers holding federal contracts or subcontracts are also protected by the EEOC.

The Executive Order 11246 prohibits discrimination on the basis of race, color, religion, sex, or national origin. This order also requires these employers to engage in affirmative action to ensure equality of opportunity in all aspects of employment.

Job discrimination against handicapped persons is prohibited by the Rehabilitation Act of 1973. This act also requires affirmative action for employment and advancement of qualified handicapped employees.

Vietnam veterans are also protected from discrimination by the Vietnam Era Veterans Readjustment Assistance Act of 1974. This act also requires affirmative action for qualified, disabled veterans.

If you feel as though you have been discriminated against under Sections A or B, you should contact the EEOC. This charge should be filed immediately, but you have up to 360 days after the alleged discrimination takes place to file your complaint. They will assist you in stopping an employer or a potential employer from discriminating against you.

If you feel as if you have been discriminated against under Section C you should contact the Office of Federal Contract Compliance Programs (OFCCP) immediately for assistance.

You should always remember that discrimination is illegal. Use these programs for your advantage when needed. Do not allow employers or potential employers to discriminate. You can help stop this illegal practice.

My thanks to Dennis R. Berrong, a student of mine in my law class at the University of Texas at Dallas, who assisted in preparation of this column.

Copyright (c) 1986 by M. Wald & Co.