

## **DISCRIMINATION**

**(Age, Race, Sex, National Origin, Religion, Disability, Pregnancy, Medical Condition, Marital Status, Sexual Orientation)**

It is an unlawful employment practice to discriminate against any person because of that person's age, race, gender, national origin, religion, physical or mental disability, medical condition, pregnancy, marital status or sexual orientation. Discrimination can take the form of refusing to interview or hire, terminating employment, paying an employee less compensation, giving poor performance reviews, denying or delaying promotions or raises, denying benefits, reassignments, layoffs or any other singling out of a person for reasons which affect that person's conditions of employment.

Generally, if you have been treated unfairly by your employer because of any of the above reasons, you may have a valid claim of unlawful discrimination against your employer. Racial epithets or derogatory comments regarding age, national origin, religion, disability, etc. in the workplace are all examples of a discriminatory state-of-mind which tend to prove unlawful discrimination.

The following are examples of unlawful discrimination in the workplace:

- 1) You have been terminated, demoted or denied a promotion due to your age, race, gender, disability, sex, religion or other protected class mentioned above.
- 2) You have been treated differently in the workplace due to your age, race, gender, disability, sex, religion or other protected class mentioned above.
- 3) Your employer favors, by hiring, promoting and not terminating employees under the age of 40 as opposed to those over the age of 40.
- 4) You have applied for an employment position and are more qualified than other applicants but you were not hired and the person hired was not in one of the protected classes while you were a member of a protected class.

## **DISABILITY DISCRIMINATION**

Employees are protected against discrimination by an employer based upon a disability. Also, the law prohibits employers from discriminating against employees based upon a perceived disability even if there is no actual disability. The disability, real or perceived, may be either physical or mental as diagnosed by a doctor. The disability can be long term or temporary but it must be severe to the point that it cannot be corrected by medical treatment.

In addition to not discriminating against employees due to a disability, employers are required to interact with the disabled employee to accommodate him or her so that the employee can perform the essential duties of the job unless such accommodation will cause an undue hardship to the employer.

**The following are examples of Disability Discrimination:**

- 1) You have been diagnosed by a doctor with a medical problem but the doctor states that you can perform the job with an accommodation from your employer. Your employer refuses to accommodate you and demotes or fires you because of your condition.
- 2) Previously you had a disability and your employer will not hire or promote you because of it.
- 3) You are on a medically approved leave of absence due to your doctor's recommendation and request for a leave for you. Despite the doctor's recommendation your employer terminates you while on leave or refuses to employ you upon your return.
- 4) You apply for a job and your employer tells you that you will be hired and orders you to submit to a medical exam. After the exam results which clears you for performing the job duties the employer changes its mind and says you do not have the job. The reason for the change of mind is because of a disability discovered during the exam.
- 5) A potential employer makes you a job offer, requires you to submit to a medical test (other than a drug test), and then denies you the job because of some mental or physical disability, even though you are capable of performing the duties of the job.
- 6) You apply for a job and during the interview you are asked if you have a disability.

**PREGNANCY DISCRIMINATION**

Sex discrimination is unlawful and can take the form of discrimination against you, as a woman, because you are pregnant. Employers are prohibited from discriminating against their employees because they are pregnant or due to conditions resulting from pregnancy. If pregnancy does not interfere with an employees' ability to do her job, employers must treat pregnant employees the same as other employees. Pregnant employees also have a right to unpaid leave to care for newborn children, and a right to have the same or a similar job when they return.

**The following are examples of Pregnancy Discrimination::**

- 1) Because of your pregnancy you are demoted, transferred, harassed or fired.
- 2) You take a sick day off due to your pregnancy and your employer refuses to let you come back to

3) You are denied a job or even just asked if you are pregnant during a job interview.

4) Your employer refuses to give you a job or let you return to work after your maternity leave.

If you believe you have been discriminated against by your employer for any of reasons stated above, contact the Law Offices of Joel C. Golden at (619) 246-8449 and I will discuss your situation in confidence with you. If it appears that you may have the basis for bringing an unlawful discrimination case against your employer, I will schedule a free meeting with you.

[Return to Joel C. Golden, Esq.'s main page.](#)