

# Chapter 6

# Discrimination

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(Amanda Mills, Center for Disease Control)

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## Introduction

There are federal, Washington State and local laws that protect you from discrimination at work. "Discrimination" means treating certain people better or worse than others because of a certain trait. It is generally against the law for your employer to discriminate against you because of your:

- Age
- Ancestry
- Color
- Creed
- Disability
- Genetic Information
- Gender identity
- Honorably Discharged Veteran/Military Status
- Citizenship status (if you have the legal documentation to work in the USA)
- Sexual orientation
- Marital status
- National origin
- Political Ideology
- Race
- Religion
- Sex (including pregnancy)
- Union membership or if you might want to join a union

### When Is Discrimination Illegal?

**It is illegal to discriminate in any area of employment, including:**

- Job advertisements and applications
- Job referrals
- Recruitment
- Hiring and firing
- Wages
- Fringe benefits (for example, daycare or transportation services provided by your work)
- Transfer, promotion, layoff, or recall
- Retirement plans and disability leave
- Drug and other medical testing
- Use of company facilities
- Training and apprenticeship programs
- Tasks you are given
- Any other terms or conditions of employment

**If you think your rights have been violated, keep track of what happened and when!** Write down the dates, times, specific words used, and who was involved. Keep copies of memos, emails or other communication that is insulting or discriminatory. Discrimination law prohibits your employer from retaliating against (punishing) you for filing a complaint or participating in an investigation.

Also, if you go talk to your boss about your concerns with discrimination or terms of employment, consider bringing a coworker. If you bring at least one other person with you, what you're doing is probably concerted activity and, under the National Labor Relations Act, you can't be retaliated against for it.

### *If I Am An At-Will Employee, Can My Boss Fire Me For A Discriminatory Reason?*

No. Most non-union employment is "at-will" which means you can be fired for almost any reason or no reason at all. Discrimination on the basis of the traits listed above is an exception to the at-will rule, however. Please see *Chapter 12: Organizing to Make Things Better At Work* and *Chapter 7: Unemployment* for more information about at-will versus just-cause employment.

## Discrimination In The Hiring Process

Your first step towards employment is often filling out an application or having an interview with a potential employer. An employer cannot ask questions that might show unfairness or discriminate against you based on the traits listed above. However, an employer can ask questions to help him or her decide how you will perform a job. Below are examples of questions the employer may or may not legally ask you in the interview or on an application.

<b>SUBJECT</b>	<b>NOT LEGAL: GENERALLY UNLAWFUL TO ASK</b>	<b>LEGAL: GENERALLY OKAY TO ASK</b>
<b>Race or Color</b>	Questions about race or color of skin, hair and eyes.	None.
<b>National Origin</b>	Questions about your birthplace, first language and where your parents or spouse come from.	It's okay to ask if you can read, write and speak certain languages when these abilities are a job requirement.
<b>Citizenship Status</b>	Questions about whether or not you are a citizen; requiring you to present a birth certificate, naturalization or baptismal papers; questions about your ancestry, national origin, ethnicity, or birthplace.	Whether your visa or immigration status allows you to legally work in the U.S.; whether you can provide proof of the legal right to work in the U.S. after hire.
<b>Religion or Creed</b>	Questions about your religion, denomination, church, parish, pastor or religious holidays observed.	None.
<b>Sex</b>	Questions about your gender.	None.
<b>Pregnancy</b>	All questions about pregnancy, including whether you are pregnant or want to become pregnant, and medical history concerning pregnancy.	Questions about how long you will stay with the job or questions that are asked to both males and females about whether/how long you will take time off from work.
<b>Age</b>	Questions that suggest that your employer would prefer to hire someone less than 40 years of age.	It's okay to ask for your birth date and for proof of your age.
<b>Disability</b>	Questions about the nature, severity or extent of a disability; questions about specific medical diagnosis or treatment; whether you have applied for, or ever received, workers' compensation. Your employer also cannot require you to take a medical test before you are offered a job.	It is okay to ask if you can perform the functions of the job <i>with or without</i> accommodation. An employer can ask you to perform physical tasks such as lifting boxes, if it is necessary to do the job <i>and</i> if they ask this of all other potential employees.

SUBJECT	<b>NOT LEGAL: GENERALLY UNLAWFUL TO ASK</b>	<b>LEGAL: GENERALLY OKAY TO ASK</b>
<b>Military</b>	Type or condition of military discharge; your experience in the military other than in the U.S. armed forces; request for discharge papers.	Questions about your education, training, or work experience in the U.S. armed forces.
<b>Family and Relatives</b>	Questions about your marital status; your spouse and where they work or how much they are paid; children; childcare arrangements; dependents; or whether any of your family members, dependents or relatives have any medical conditions.	It's okay to ask if you can meet the work schedule or if you have other commitments that might keep you from coming to work. It's also okay to ask for the names of your relatives already employed by the company or by any competitor.
<b>Height and Weight</b>	Any questions not based on actual job requirements—things that the employer doesn't <i>need</i> to know.	If the employer can show that it is a genuine job requirement, they may be able to require a certain height or weight.
<b>Name</b>	Questions about your original name if it has been legally changed; questions about your name that would reveal marital status, ancestry, where you come from.	Whether you have worked for this company or another employer under a different name and, if so, what name; names that your references know you by if it is different from present name.
<b>Residence</b>	Questions about the names or relationship of people you live with; whether you own or rent your home.	Questions about your address for contact information
<b>Organizations</b>	Requirement that you list all organizations, clubs, societies, and lodges that you belong to.	Questions about professional organizations you belong to that may relate to your qualifications for the job, <i>except</i> where such a question is used to determine or discriminate based on race, color, creed, sex, marital status, religion, or national origin or ancestry of its members.
<b>Photographs</b>	Asking for a photo of you before hiring.	Employers can ask for photos <i>after</i> hiring for identification purposes.
<b>Arrests or Convictions</b>	Questions about arrests, convictions or imprisonment that do not relate to job duties or did not occur within the last ten years.  In the city of Seattle: any questions about convictions at all until the second round of interviews.	It's okay to ask about prior arrests or convictions if the information is reasonably related to job duties, and the arrest or conviction occurred within the last 10 years.  Law enforcement agencies, state agencies, school districts, businesses and other organizations that take care of children, mentally ill or disabled persons, or other vulnerable adults can ask almost any question about criminal background.

## **Types of Discrimination**

The next sections go more in depth about what types of discrimination are illegal at work. At the end of every section it tells you whether federal, state or local laws protect you. For information on where to report discrimination, see the below section: *What If I Have Been Discriminated Against?*

### **Race**

An employer cannot discriminate against or harass you because of your race or ethnicity. Ethnic slurs, racial "jokes," insulting comments and/or other verbal or physical actions based on race and/or color may be illegal if they are severe and pervasive and/or are part of a pattern of discriminatory actions.

Also, your employer cannot hire, fire, or promote based on "stereotypes" (an overly simple idea held by one person or group about another). S/he cannot make assumptions about your personality or what you can do based on your race. In addition, employers cannot decide not to hire you because you are married to or associated with someone of a certain race. Your employer also cannot discriminate against you because you go to schools or places of worship associated with a particular race.

#### **Protected by:**

- Title VII of the federal Civil Rights Act of 1964
- The Washington State Law Against Discrimination
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

#### ***Links for Advocacy Organizations and More Information***

A. Phillip Randolph Institute: <http://www.apri.org/>

Asian Americans Advancing Justice - <http://www.advancingjustice-aajc.org/>

Asian Counseling and Referral Service - <http://www.acrs.org/>

MALDEF: Latino Legal Voice for Civil Rights in America - <http://www.maldef.org/>

Seattle King County NAACP - <http://www.seattlekingcountynaacp.org/>

### **National Origin**

An employer cannot discriminate against you or harass you because you or your family are from another country; you have a name or accent associated with a national origin group; you participate in customs associated with a national origin group; or you are married to or spend time with people from a different country.

Here's an example: **A woman who emigrated from Russia applies for a job as an accountant. The employer turns her down because she speaks with an accent even though she is able to do the job well. *This is against the law.*** It is also against the law if the employer's actions, in response to your national origin, are severe and pervasive and/or are part of a pattern of discriminatory actions.

A rule requiring that you speak only English on the job might be against the law, unless your employer shows that the rule is necessary. If your employer believes such a rule is necessary, you should be told when English is required and what would happen to you if you broke this rule. Your employer must let you speak other languages during non-work time, such as during lunch and breaks.

**Protected by:**

- Title VII of the federal Civil Rights Act of 1964
- The Washington State Law Against Discrimination
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

## Citizenship Status

Discrimination based on citizenship status is treating you worse because of your citizenship status. It is different from national origin discrimination because the discrimination is based on your immigration status, rather than on whether you or your ancestors came from another country. **If you have documentation to work legally in the U.S.**, an employer generally may not discriminate against you for not being a citizen.

It is illegal to discriminate based on citizenship status in hiring, firing (including layoffs), recruitment, or referral for a fee.

For example, you may have experienced illegal discrimination if:

- You didn't get hired because the employer hires only U.S. citizens to do certain jobs.
- You are a temporary resident who is legally allowed to work, but a company denies you employment because it doesn't want to deal with the "hassle" of filling out the paperwork.
- Muslim, Asian and Latino employees are asked for copies of their work authorization papers, while other employees who are Caucasian or African-American are not asked to provide that paperwork.
- You sign up with a temporary agency, and learn that a certain employer has work for someone with your skills and experience but the agency refuses to refer you to work for that employer because the employer wants to hire only U.S. citizens.

You should also watch out for document abuse. Document abuse is when an employer asks for more or different documents to prove citizenship when you've already given them a document that meets the requirements. For example, it is illegal for your employer to ask for a green card or passport when you have already shown proof that you can work in the U.S. For more information about document abuse and national origin discrimination – see the section “What Rights do Immigrants With Documents To Work In The United States Have Under IRCA?” in *Chapter 10: Undocumented Workers*.

**Protected by:**

- The Federal Immigration Reform and Control Act (IRCA)

### *Links for Advocacy Organizations and More Information*

Northwest Immigrant Rights Project - <http://www.nwirp.org/Home.aspx>

See also the *Immigrant and Refugee Services* section in the *Resources* chapter at the end of this manual.

## Religion

An employer cannot discriminate against you or harass you because of your religion. You should not be required to participate in a religious activity to keep your job, nor should you be barred from participating in a religious activity. For example, if you are a Muslim, your employer cannot force you to recite the Lord's Prayer or stop you from performing your own prayers.

Your employer cannot hire, fire, promote, or demote you based on stereotypes about you and what you can do based on your religion. In addition, employers cannot pass you over for a job because of marriage to, or association with, a person of a particular religion. Your employer also cannot hire, fire, promote, or demote you because you go to a school or place of worship that is associated with a certain religion.

Your employer must make "reasonable accommodations" for your religion. This means your employer may be required to make changes that will let you do your job and still allow you to adhere to your religious practices, unless it would make it difficult for your employer to do business. There are many ways your employer can reasonably accommodate your religious practices, such as swapping shifts, job reassignments, and voluntary substitutions (protected under federal law).



### **Protected by:**

- Title VII of the federal Civil Rights Act of 1964
- The Washington State Law Against Discrimination (may not cover reasonable accommodations)
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties.

### *Links for Advocacy Organizations and More Information*

Anti Defamation League - <http://www.adl.org/civil-rights/religious-freedom/>

Council on American Islamic Relations - <http://www.cair.com/civil-rights.html/>

Hindu American Foundation - <http://www.hafsite.org/>

The Sikh Coalition - <http://www.sikhcoalition.org/resources/know-your-rights/>

## Sex, Gender and Pregnancy

It is illegal for an employer to discriminate against you or harass you because of your sex or gender. There are a few different categories of gender discrimination in the workplace.

### *Discrimination in Hiring, Promotions, and Wages*

It is against the law to discriminate on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions. If, for example, Rosalinda and Joe are both carpenters working at the same jobsite and performing the same or comparable tasks, they must both be paid the same wage.

Gender discrimination also includes discriminating against you based on stereotypes about your responsibilities as a mother or father. For example, you may have been on track for a promotion but after returning from maternity leave, your boss refuses to promote you because he assumes now you want to devote more time to your baby, not your job. This is discrimination.

### **Protected by:**

- The Federal Equal Pay Act of 1963 (EPA)
- Title VII of the federal Civil Rights Act of 1964
- The Washington State Law Against Discrimination
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

### *Sexual Harassment*

There are two types of illegal sexual harassment: **hostile work environment** and **quid pro quo** harassment.

A **hostile work environment** is when the workplace is made difficult or unsafe for you to do your job because of your gender. This includes targeting you with unwelcome sexually suggestive words or actions, such as asking about/commenting on your body or sexual activities; repeatedly asking you on dates after you've made it clear you don't want to go out; unpleasant gestures; unwanted touching like pinching or grabbing; jokes, pranks, and threats; pornographic materials; indecent exposure; assault and rape (which are also criminal offenses).

It is illegal harassment if:

1. It is serious, frequent and pervasive (meaning, it affects multiple aspects of your work);
2. Your work is being concretely affected by these actions; and
3. Your employer directly or indirectly caused the harassment. This means that if customers, managers, or co-workers harass you, your employer could still be at fault if your employer is aware of it and does nothing. For example, if a co-worker is harassing you, you tell your employer, and s/he does nothing about it, the employer may be liable for the harassment.

It is also illegal if your employer provides a worse working environment for you than for your opposite sex co-workers simply because of your gender. Examples are hiring procedures, hours, wages, promotions, work schedules, work assignments, vacation or sick leave benefits, job evaluation, etc.

**Quid pro quo** sexual harassment is when someone from work who has higher status than you (like a supervisor) asks you for sexual favors in return for better treatment at work. Sexual relations can

be voluntary without being welcome. For example, if you have sexual relations with a supervisor because you are afraid that you will be punished at work if you don't, it is still illegal. Your gender doesn't have to be the only reason you were singled out for this unfair treatment, but it must be at least a major factor.

**Protected by:**

- Title VII of the federal Civil Rights Act of 1964
- The Washington State Law Against Discrimination, unless the employer is a religious organization.
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

***Pregnancy and Pregnancy-Related Conditions***

Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions. Pregnancy-related conditions can include medical conditions; miscarriage; pregnancy termination; and the complications of pregnancy. Employers can't make choices about hiring, firing, promoting, or demoting based on their stereotypes of pregnant women, not even in an effort to protect pregnant women from the hazards of the job. The only exception is if an employer can demonstrate business necessity. For information on leave from work for pregnancy, please see *Chapter 5: Taking Time Off From Work*.

**Protected by:**

- Title VII of the federal Civil Rights Act of 1964
- The Washington State Human Rights Commission
- Local ordinances, including laws in Seattle, Spokane and Tacoma

***Links for Advocacy Organizations and More Information***

Legal Voice – [www.legalvoice.org/](http://www.legalvoice.org/)

National Organization for Women – [www.now.org/](http://www.now.org/)

Legal Momentum (for women) - [www.legalmomentum.org/](http://www.legalmomentum.org/)

National Council of Negro Women - [www.ncnw.org/](http://www.ncnw.org/)

National Women's Law Center – [www.nwlc.org/](http://www.nwlc.org/)

**Sexual Orientation and Gender Identity**

In Washington, it is illegal for your employer to discriminate against you or harass you in any way because of your perceived or actual sexual orientation, gender identity, or if you are transgender. Employers can't make choices about hiring, firing, promotion, or demotion based on sexual orientation and gender identity.

**Protected by:**

- The Washington State Law Against Discrimination (RCW 49.60)
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

*Links for Advocacy Organizations and More Information*

QLaw – the GLBT Bar Association of Washington - [www.q-law.org/foundation/](http://www.q-law.org/foundation/)

National Gay and Lesbian Task Force - [www.thetaskforce.org/](http://www.thetaskforce.org/)

Lambda Legal (LGBTQ rights) - [www.lambdalegal.org/](http://www.lambdalegal.org/)

Gay and Lesbian Advocates and Defenders - [www.glad.org/](http://www.glad.org/)

The Williams Institute – [williamsinstitute.law.ucla.edu/](http://williamsinstitute.law.ucla.edu/)

Pride @ Work - [www.prideatwork.org/](http://www.prideatwork.org/)

**Age (40+)**

If you are over 40 years old, an employer cannot discriminate against you or harass you because of your age.

It is illegal to:

- Use your age to make choices about hiring, firing, promoting, and demoting
- Give age preferences/limits in job notices and ads. Age limits are only allowed in limited situations
- Discriminate based on age in apprenticeship programs
- Give older employees fewer or worse benefits than younger employees.

**Protected by:**

- The federal Age Discrimination in Employment Act (ADEA)
- The Washington State Law Against Discrimination
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

*Links for Advocacy Organizations and More Information*

National Senior Citizens Law Center - [www.nsclc.org/](http://www.nsclc.org/)

Center for Elder Rights Advocacy - [www.ceraresource.org/](http://www.ceraresource.org/)

American Bar Association Commission on Law and Aging - [www.americanbar.org/groups/law\\_aging.html](http://www.americanbar.org/groups/law_aging.html)

Senior Resource Alliance - [www.seniorresourcealliance.org/](http://www.seniorresourcealliance.org/)

American Association of Retired People – [www.aarp.org/](http://www.aarp.org/)

## Disability Discrimination

An employer cannot discriminate against you or harass you because of your disability or medical condition or because they believe you have a disability or medical condition, even if you do not actually have that disability. Use of a trained guide dog or service animal is also protected under Washington State law.

An individual with a disability under the Federal Americans with Disabilities Act (ADA) is a person who has a physical or mental condition that makes it hard for them to do major life activities. Major life activities are activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working. Under Washington State law, the definition is broader.

If you have a disability, the employer has to make *reasonable accommodations* for you to work for them. This means working out a system that lets you do the job just as other employees do, or coming up with different tasks that you are able to perform. It also means that if you need to take medical leave because of your disability, your employer has to keep the job open for you when you return. For more information on taking leave for disability see *Chapter 5: Taking Time Off From Work*.

Your prospective employer cannot ask you to take a physical or medical test before you have been offered a job. Once you have been offered a job, your employer can ask you to take a physical or medical test, if all other workers doing similar tasks have to take it as well (you aren't being singled out because you have a disability, or your employer *thinks* you have a disability) and the test is really necessary to do the job. Your employer cannot discriminate against you because of genetic information that suggests you are more likely to get a disease.

Protected by:

- The federal Americans with Disabilities Act (ADA)
- The federal Rehabilitation Act of 1973
- The federal Genetic Information Nondiscrimination Act of 2008
- The Washington Law Against Discrimination, which, unlike the ADA, also covers temporary disabilities and conditions (does not cover employees who work for a religious organization)
- Local ordinances, including laws in Seattle, Spokane and Tacoma. There are also laws in Pierce, Snohomish, and King counties

### *Links for Advocacy Organizations and More Information*

Americans with Disabilities Act - [www.ada.gov/](http://www.ada.gov/)

ADA Info Line: 1 (800) 514-0301, TTY: 1 (800) 514-0301

Disability Rights Advocates - [www.dralegal.org/](http://www.dralegal.org/)

National Disability Rights Network - [www.ndrn.org/](http://www.ndrn.org/)

Disability Rights Washington (DRW) - [www.disabilityrightswa.org/](http://www.disabilityrightswa.org/)

Guide to Disability and Washington State Nondiscrimination Law - <http://www.hum.wa.gov/publications/Guides.html>

## Lifestyle Discrimination

Right now, there is some debate about whether employers can make decisions about hiring, promotions, insurance charges, etc. based on an employee's lifestyle. For instance, employers have discriminated against people who smoke cigarettes, eat certain foods, or drink alcohol in their free time. It is not clear whether this is legal or not.

The Americans with Disabilities Act or the Washington State Human Rights Commission might protect you from this type of discrimination. Mainly, laws against disability discrimination may protect some people who have medical issues such as obesity or high cholesterol from employers who discriminate against them.

### *Links for Advocacy Organizations and More Information*

American Civil Liberties Union - [www.aclu.org/racial-justice/womens-rights/lifestyle-discrimination-workplace-your-right-privacy-under-attack](http://www.aclu.org/racial-justice/womens-rights/lifestyle-discrimination-workplace-your-right-privacy-under-attack)

## Union and Concerted Activity

Under the National Labor Relations Act, it is illegal for your employer to discriminate against you because you are in a union, because you want to join a union, or because you are joining with your coworkers to improve your working conditions, even if you are not in a union (concerted activity). Please see *Chapter 12: Organizing to Make Things Better At Work* for more information.

## Criminal Background

Beginning November 1, 2013, it is illegal for employers in Seattle to advertise jobs that keep out applicants with a criminal history, ask criminal history questions or perform criminal background checks during the first part of the hiring process. Except for businesses that take care of children, the mentally ill, and other vulnerable adults, and those involved with security, investigation, and law enforcement, employers cannot ask about criminal history until after they have gone through the first steps to remove people from the applicant pool who clearly aren't qualified for the job. If you have already been hired and your employer then performs a background check s/he cannot take any actions against you (fire, demote, etc.) because of your criminal background unless s/he allows you to explain or correct the criminal history information, and s/he can prove that there is a good business reason for their action.

### **Protected by:**

- Seattle Ordinance 14.17, for all employees who perform at least 50% of their work in the city of Seattle.

### *Links for Advocacy Organizations and More Information*

Seattle Office for Civil Rights - [www.seattle.gov/civilrights/criminalrecords.htm](http://www.seattle.gov/civilrights/criminalrecords.htm)

## **What If I Have Been Discriminated Against?**

**Step 1: Report it to your employer.** Unless your employer is the one who is harassing you, you must report harassment to your employer and give her/him a chance to fix the problem before filing a complaint. Many workplaces have a person who is assigned to handle these sorts of issues. This may be a person designated to speak to employees about “EEO” or “diversity” issues, someone in the Human Resources department of your workplace, or someone called an “Ombudsman.” You are not necessarily required to speak to someone if you are uncomfortable doing so, particularly if you are concerned about privacy and have reason to believe that the situation will get worse - but you should give your employer some kind of notice of the problem.

**Step 2: Report it to a government agency.** Any worker who believes that his or her employment rights have been violated may file a charge of discrimination. If you are a union member, you can report it to your union representative or shop steward.

**If you think you have been illegally discriminated against, contact a government agency as soon as possible.** Under every discrimination law, you have only a certain amount of time after the act of discrimination to file a claim. It is not unusual for it to take one to two years to resolve a discrimination complaint, although some agencies may be faster.

### **Where Do I File A Claim?**

You can file a discrimination claim with the local, state or federal agencies described in the next pages. Before filing a complaint, you may want to check with each of the federal, state, and local agencies to see how quickly they can process your claim and what help they can give. Remember that not all of the agencies provide the same solutions. Knowing what an agency can offer may help you determine which one is best for your needs. Getting advice from a lawyer about what to do may also be helpful.

To protect your right to go to court, you should file a complaint with the federal EEOC or the Washington State Human Rights Commission.

### ***What If I Am A Government Employee?***

If you are a public employee, you must first file a complaint with the branch of government that employees you. For example, if you are an employee of the City of Seattle, you cannot file a complaint against the City at the King County Office of Civil Rights Enforcement, you must file with the Seattle Office for Civil Rights. Similarly, if you are a federal employee, you must file with the EEOC, not with the Washington State Commission for Human Rights.

## How To File Under Federal Law

You can file under federal law with the U.S. Equal Employment Opportunity Commission (EEOC). If you request it, that agency should also send a copy of your complaint to the WSHRC. Usually, only one agency will investigate your case.

If you have a complaint against a federal government employer, Native American tribal employer or religious employer you must file with the EEOC.

If you want to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC):

1. You can file a charge by mail or in person at the nearest EEOC office (contact info below). If you have Internet access, the complaint form is available at <https://apps.eeoc.gov/eas/>.
2. You must file your complaint within 300 days of the date of discrimination. *The sooner you file your charge, the better.*
3. An investigator will be assigned to your complaint.

If you need help filing a charge (e.g., sign language interpreter, language interpreter, print materials in an accessible format), you should let the EEOC field office know so that they can help you.

For certain types of claims, the procedures are different:

- Gender discrimination in wages
  - Under the Equal Pay Act (EPA), you don't need to file a charge of discrimination with EEOC. Instead, you can go directly to court and file a lawsuit. The deadline for filing a lawsuit under the EPA is two years from the day you received the last discriminatory paycheck (this is extended to three years in the case of a willful ("on-purpose") violation. However, you can still file with the EEOC if you prefer.
- Citizen status discrimination
  - If you want to file a complaint because you are being harassed based on your citizenship status, call the Office of the Special Council or one of the legal services listed in the *Resources* chapter at the end of this manual. You must file an IRCA charge within 180 days of the date on which the discrimination occurred. However, the Office of the Special Council might accept late charges if there is a good reason. If the deadline has passed, you should not give up on filing a claim. Even if the Special Counsel does not accept your late filing, they may start an independent investigation and you could be included in a later case.

### The US Equal Employment Opportunity Commission (EEOC)

*Phone Numbers* – 1(800) 669-4000 and 1(800) 669-6820

*Address* - Federal Office Building 909 1<sup>st</sup> Ave, Suite 400, Seattle, WA 98104-1061

*Web Address* - <http://www.eeoc.gov/>

### The Office of Special Counsel for Immigration-Related Unfair Employment Practices

*Phone Numbers* – (202) 616-5594, 1 (800) 255-7688, TTY: 1 (800) 237-2515

*Address* – U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Ave NW,  
Washington DC 20530

*Web Address* – <http://www.justice.gov/crt/about/osc/>

## How To File Under State Law

You can call the WA State Human Rights Commission (WSHRC) to file a complaint. The WSHRC will also file the complaint with the federal agency, the U.S. Equal Employment Opportunity Commission (EEOC) if you so request.

If you believe that your rights have been violated under the Washington Law Against Discrimination you can file a complaint with the WSHRC. Any claim of discrimination must be filed within 6 months of the act of discrimination and your employer must have at least eight employees.

If you want to file a complaint with the WA State Human Rights Commission (WSHRC):

1. You can call the WSHRC or go to the office in person to get the complaint questionnaire. A charge may be filed by mail or in person. You can download the complaint questionnaire and the employment supplemental form at [www.hum.wa.gov/CQ/index.html](http://www.hum.wa.gov/CQ/index.html).
2. You fill out the complaint questionnaire and the employment supplemental form, sign them and send them back to the WSHRC within 6 months of the date of discrimination. *The sooner you file your charge, the better.*
3. An investigator will be assigned to your complaint.

### Washington State Human Rights Commission (WSHRC) offices

<b>Location</b>	<b>Phone Number</b>	<b>Address</b>
Olympia	(360) 753-6770 Toll-Free: 1 (800) 233-3247 TTY: 1 (800) 300-7525	711 S. Capitol Way, Suite 402 Olympia, WA 98504-2490
Spokane (For Complaints from Eastern Washington, including Spokane, Whitman, Okanogan, Lincoln, Ferry, and Stevens Counties)	(509) 568-3196	1330 N. Washington St., Suite 2460 Spokane, WA 99201
Yakima (For Complaints from Central Washington, including Yakima, Kittitas, Chelan, Benton, Walla Walla, and Klickitat Counties)	(509) 494-0347	15 West Yakima Ave, Suite 100 Yakima, WA 98920
Vancouver	N/A	312 SE Stone Mill Drive, Bldg. 120 Vancouver, WA 98684

## How To File Under Local Law

You can also file a claim with your local government if your county or city has anti-discrimination laws.

**Seattle:** If you believe that your rights have been denied under the Seattle Employment Practices Ordinance, you may file a complaint in person, by phone or online with the Office of Civil Rights in the Seattle Human Rights Department. The Seattle Office of Civil Rights will also file your claim with the EEOC. Your claim must be filed within six months of the act of discrimination. Public employees employed by the City of Seattle must file with the Seattle Office of Civil Rights.

### Seattle Office of Civil Rights

*Phone Numbers* – (206) 684-4500, TTY: (253) 591-5153

*Address* – Central Building 810 3<sup>rd</sup> Ave, Suite 750, Seattle, WA 98104-1627

*Web Address* – [www.seattle.gov/civilrights](http://www.seattle.gov/civilrights)

**King County:** Under King County Code Chapter 12.18, you can file a complaint with the King County Office of Civil Rights Enforcement. The complaint must be filed within 180 days of the act of discrimination. Public employees employed by King County must file with this organization.

### King County Office of Civil Rights

*Phone Numbers* – 206-263-2446, TTY Relay: 711

*Address* – Chinook Building, 401 Fifth Avenue, Suite 215, Seattle, WA 98104

*Web Address* – <http://www.kingcounty.gov/exec/CivilRights/FileComplaint.aspx>

**Pierce County:** In Pierce County, you may need to refer to your employment handbook or collective bargaining agreement to learn the right procedure for filing a complaint.

**Tacoma:** In Tacoma, complaints are handled by the Tacoma Human Rights Department. Complaints must be filed within six months of the act of discrimination.

### Tacoma Human Rights and Human Services Department

*Phone Numbers* – (253) 591-5151, TTY: (253) 591-5153

*Address* – 747 Market St, Room 836, Tacoma, WA 98402-3779

*Web Address* – <http://www.cityoftacoma.org/>

**Snohomish County:** In Snohomish County, you may need to refer to your employment handbook to find the correct procedure for filing a claim.

**Spokane:** In Spokane, complaints are handled by the Spokane Human Rights Commission and must be filed within one year of the act.

### Spokane Human Rights Commission

*Phone* – (509) 625-6742

*Address* – 808 W Spokane Falls Blvd, 5th floor, Spokane, WA 99201

*Web Address* – <http://www.spokanecity.org/>

## If I Report Discrimination, Can My Employer Fire Me?

**It is against federal, state and local laws for your employer to retaliate against you for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices!** Retaliation means punishing someone because s/he has reported (or helped report) a violation or claim. Retaliation occurs when you are punished because you complained to either the employer or the government or cooperated with an investigation. If your employer fires, gives you a worse job, fails to promote you, or takes other action towards you that affects your job, it may be illegal retaliation. It is also illegal discrimination if your employer allows coworkers to retaliate against you if you complained.

### Summary of Laws Against Discrimination

Law	Government Level	Protected Classes	Applies to:
Civil Rights Act of 1964, Title VII	Federal	Race, color, religion, sex, national origin, or pregnancy and pregnancy-related conditions	Employers with more than 15 employees; Labor and employment organizations/agencies
Equal Pay Act of 1963	Federal	Sex-based wage discrimination	Almost all employers. Exceptions: some religious institutions, certain agricultural jobs, some computer systems jobs
Age Discrimination in Employment Act of 1967	Federal	Age (40-70 years) discrimination	Employers with at least 20 employees; Labor and employment organizations/agencies
Americans with Disabilities Act of 1990	Federal	Qualified individuals with disabilities	Employers with at least 15 employees; Labor and employment organizations/agencies
Rehabilitation Act of 1973	Federal	Qualified individuals with disabilities	Federal government employees
42 U.S.C. Sec. 1981	Federal	Race, color, and national origin discrimination in job contracts	All public and private employers
Immigration Reform and Control Act	Federal	Citizenship status	Employers who have at least 4 employees
National Labor Relations Act	Federal	Right to organize with co-workers	Almost all employers. Exceptions: airline workers, railroad workers, farm workers, domestic service workers, independent contractors, supervisors, public employees and confidential employees

<b>Law</b>	<b>Government Level</b>	<b>Protected Classes</b>	<b>Applies to:</b>
Seattle Fair Employment Practices Ordinance	Local	race; color; sex; age (40+); marital status; sexual orientation; gender identity; religion; creed; national origin; ancestry; political ideology; disability including pregnancy	Employers who have at least one employee; city employees
Pierce County Affirmative Action Plan	Local	Race; creed; religion; color; national origin; sex; age; disability; and veterans' status	Pierce County employees
City of Tacoma Law Against Discrimination	Local	Race; color; national origin or ancestry; religion; sex; gender identity; sexual orientation; marital status; familial status; age (40+) and disability	Employers in Tacoma who have at least 8 employees
Snohomish County Code Chapter 3.57	Local	Race; color; sex; religion; marital status; national origin; age; sexual orientation; citizenship; disability	Snohomish County employees
City of Spokane Human Rights Ordinance	Local	Race; religion; color; sex; sexual orientation; national origin; marital status; familial status; age; and disability	Employers in Spokane with 8 or more employees; city employees

Note: Many other laws that are addressed in the manual may not directly deal with discrimination, but do have whistleblower provisions whereby you can't be retaliated or discriminated against for reporting violations.

