

Essential Employment Law

Basic Guidelines: How to Prove Discrimination, Harassment,
and Retaliation

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Law of Workplace Discrimination & Harassment

You ought to be able to go to work and not be harassed, bullied or made to feel uncomfortable about protected differences.

You should be considered for hiring, promotion, discipline and termination without regard for protected differences.

You should be reasonably accommodated if you have a disability so you can do the essential functions of your job.

You should be reasonably accommodated for religious requirements and for pregnancy, childbirth, and related medical conditions.

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Protected Classifications

- Race / Color / Ethnicity
- Religion
- Sex / Gender / Gender Stereotyping / Identity / Orientation
- Pregnancy
- Age (40+)
- Disability
- Genetic Information
- Veteran Status
- Protected Activity

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Coverage

Title VII of the Civil Rights Act (1964) - race, color, religion, sex or national origin (15+ employees)

Age Discrimination in Employment Act (1967) – age (20+ employees; all gov't employers)

Americans with Disabilities Act (1990) – disability (15+ employees)

Texas Commission on Human Rights Act (TCHRA; Texas Labor Code) – all Title VII, age, disability + sexual harassment (15+ employees; all gov't employers; 1+ employee for sexual harassment)

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Agency Overview

EEOC is agency of the US Federal Government; workshare agreement with Texas Workforce Commission; some local agencies as well

Tasked with enforcement of civil rights related laws

Filing a charge with EEOC or TWC is a prerequisite to suit

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Types of Evidence

Direct evidence

Indirect / circumstantial evidence

Statistical evidence

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