

# UNLAWFUL DISCRIMINATION & HARASSMENT



SCOTT BRUTOCAO  
1607 West Avenue  
Austin, Texas 78701  
sbrutocao@cornellsmith.com  
(512)328-1540



## Unlawful Discrimination

- Race / Color (Title VII; Section 1981; TCHRA)
- Sex (Title VII; TCHRA)
- Religion (Title VII; TCHRA)
- National Origin (Title VII; TCHRA)
- Age (40 and over) (ADEA / TCHRA)
- Disability (ADA; TCHRA)
- Genetic Information (GINA)
- Retaliation for Claiming Discrimination or Harassment



# Discrimination Prohibited Without Regard To:

- Hiring
- Compensation
- Conditions & Privileges
- Firing
- Constructive Discharge



## Theories of Discrimination

- Disparate Treatment
- Disparate Impact
- Reasonable Accommodation



# Disparate Treatment

Intentional discrimination in the form of differential in treatment because of the applicant's / employee's protected class.



# Disparate Treatment

- What most of us think of when we think of "discrimination"
- Treating someone differently because of membership in a protected class
- Intentional discrimination



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Unlawful Discrimination and Harassment

First appeared as part of the conference materials for the  
2019 Essential Employment Law: A Practical Course in the Basics session  
"Discrimination and Harassment"