

● CIVIL RIGHTS LAWS

STATUTORY CITATION: Colo. Rev. Stat. §§ 24-34-301 – 24-34-406

GENERAL SUMMARY: The state civil rights statutes define certain unfair employment practices and establish a process for accepting and responding to complaints involving job-related discrimination.

PROVISIONS APPLICABLE TO AGRICULTURE

UNFAIR EMPLOYMENT PRACTICES — As for most other classes of employers, it is unlawful for a farm operator or other agricultural establishment to refuse to hire, to fire, to promote or demote, or to discriminate in the payment of wages against any otherwise-qualified person because of disability, race, creed, color, sex, pregnancy, sexual orientation (including transgender status), religion, age (over 40), national origin, ancestry, or marriage to a co-worker. Retaliation by an employer against a worker because the worker opposed a discriminatory practice, or participated in an employment discrimination proceeding, is also regarded as an unfair employment practice and therefore illegal.

Employment agencies and labor organizations are barred from similar acts of discrimination.

COMPLAINTS — Anyone who believes he or she has been discriminated against by an employer, employment agency or labor organization on any of the grounds listed above may file a complaint with the enforcement agency, within 6 months after the alleged discriminatory or unfair employment practice occurred. After the filing of a complaint, the agency's staff must notify the respondent of the charges, and if both the complainant and the respondent agree to the process, proceed to alternative dispute resolution. If alternative dispute resolution is declined or is unsuccessful, the agency must undertake an investigation of the charge and will issue a finding of either "probable cause" or "no probable cause," which is then either confirmed or scheduled for appeal by the Colorado Civil Rights Commission. Remedies may include, among others, hiring, reinstatement or upgrading, with or without back pay.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Colorado Civil Rights Division, Colorado Department of Regulatory Agencies, Denver, Colorado 80202 (303-894-2997; toll-free 800-262-4845).* The Civil Rights Division is responsible for receiving, investigating and deciding the merits of charges alleging unfair or discriminatory employment practices in violation of these provisions. Depending on the circumstances of the case, an employer found to have violated these provisions may be liable for the payment of back pay, compensatory and punitive damages, attorney's fees and court costs.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — If a complaint is dismissed by the Division, the agency must so notify the worker; within 90 days thereafter, the worker may file a private suit to enforce compliance, using a private attorney or public legal service provider. In most cases, no such private civil action may be filed without first exhausting the proceedings and remedies available through the Civil Rights Division.