

● HUMAN RIGHTS LAW

STATUTORY CITATION: Idaho Code §§ 67-5901 – 67-5912

RELATED REGULATIONS: Idaho Admin. Code R. 45.01.01

GENERAL SUMMARY: The state human rights law outlaws, among other practices, certain specified acts of employment discrimination based on race, color, religion, sex, national origin, age or disability. The law also authorizes creation of the Idaho Commission on Human Rights and establishes procedures for reporting and resolving discrimination complaints.

PROVISIONS APPLICABLE TO AGRICULTURE

PROHIBITED ACTS — As in any other industry in Idaho, an agricultural employer who has 5 or more employees for each working day in 20 or more calendar weeks in the current or preceding calendar year is forbidden from discriminating in employment against anyone on the basis of race, color, religion, sex, national origin, age or disability. Employment discrimination on these grounds includes (1) failing or refusing to hire a job applicant, (2) firing an employee, and (3) discriminating against an individual with respect to compensation or the terms, conditions or privileges of employment. Comparable acts of discrimination by employment agencies and labor organizations are also prohibited.

LIMITATIONS — It is not regarded as a discriminatory practice for an employer, employment agency or labor organization to distinguish between employees, job applicants or members on the basis of religion, sex, national origin, or age if religion, sex, national origin or age is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Similarly, an employer, employment agency or labor organization may observe the terms of a bona fide seniority system or employee benefit plan as long as the system or plan is not a subterfuge to evade the law's anti-discrimination purposes. Likewise, the prohibition against discrimination because of disability does not apply if the particular disability prevents the performance of the work required in that job. Too, the age discrimination protection applies only to individuals who are at least 40 years of age.

COMPLAINT PROCEDURES — Anyone who believes he or she has been subjected to unlawful discrimination under these provisions may file a complaint with the state enforcement agency within one year of the alleged unlawful discrimination. Agency staff must attempt to resolve the complaint informally prior to determining if there are reasonable grounds to believe a discriminatory act has occurred. Failing informal resolution, the agency must continue its investigation, and on a finding of reasonable grounds to believe an unlawful practice has occurred which cannot be eliminated by further informal methods, the agency may bring civil action seeking appropriate relief. Any civil action taken by the state agency must commence no later than one year after the complaint is filed.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Idaho Commission on Human Rights, Boise, Idaho 83735 (208-334-2664).* The Commission is responsible for accepting and acting on complaints filed by persons alleging employment discrimination, as outlined above. In a civil action brought by the Commission on behalf of a complainant, a finding by the court that unlawful discrimination has occurred may result in one or more appropriate remedies, including a cease-and-desist order, an order to employ, reinstate or promote the victim of the act, an order for actual damages such as lost wages and benefits, or an order for punitive damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — A person who alleges unlawful employment discrimination under the human rights law may, through private legal counsel or a public legal service provider, file an action in state district court on his or her own behalf, provided that the complaint is first filed with the Human Rights Commission and that the Commission issues a formal notice of dismissal of the complaint. A civil action by the complainant may not be filed any later than 90 days after the Commission's dismissal notice.