

● INDIANA CIVIL RIGHTS LAW

STATUTORY CITATION: Ind. Code §§ 22-9-1-1 – 22-9-1-18

GENERAL SUMMARY: The Indiana Civil Rights Law forbids, among other practices, employment discrimination based on race, religion, color, sex, disability, national origin, ancestry, or veteran status. The law generally applies to any employer in the state — including an agricultural establishment — that has 6 or more employees.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL ACTS — Employers are prohibited from practicing employment discrimination by (1) excluding a person from equal employment opportunities because of race, religion, color, sex, disability, national origin, ancestry, or veteran status, (2) failing to employ an applicant on the basis of the applicant's race, religion, color, sex, disability, national origin, ancestry, or veteran status, (3) failing to reasonably accommodate an employee with a disability, (4) failing to accommodate an employee for bona fide religious practices, or (5) creating or failing to take corrective action to address a hostile work environment or quid-pro-quo sexual harassment. Comparable acts of employment discrimination by employment agencies and labor organizations are also forbidden.

EXCEPTIONS — It is not unlawful for an employer to hire employees, for an employment agency to classify or refer job applicants, or for a labor organization to classify its membership or refer any member for employment, on the basis of sex in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise involved.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Indiana Civil Rights Commission, Indianapolis, Indiana 46204 (317-232-2600; toll-free 800-628-2909)*. The Commission may receive written complaints of violations of the Civil Rights Law and will conduct a full investigation of the facts surrounding the complaint. At the completion of the investigation, a determination is issued indicating whether or not there is cause to believe discrimination has occurred. The complaint must be filed within 180 days from the date of the occurrence of the alleged discriminatory practice. The Commission may hold hearings, subpoena witnesses and documents, and take testimony. If the Commission finds that a person has engaged in unlawful discrimination, it may take appropriate remedial action, including issuance of an order that the offending party cease and desist from the discriminatory practice and restore the complainant's losses.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Workers have the right to enforce the Civil Rights Law in court rather than through administrative action by the Civil Rights Commission. However, both the employee and the employer involved in the complaint must agree in writing to have the matter decided in court.