

## ● HUMAN RIGHTS LAW

*STATUTORY CITATION:* N.D. Cent. Code §§ 14-02.4-01 – 14-02.4-23

*GENERAL SUMMARY:* Chapter 14-02.4 of the North Dakota statutes declares it state policy to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, mental or physical disability, marital status, public assistance status, or the employee's participation in lawful activity off the employer's premises during non-working hours. To effectuate this policy in the area of employment, the law defines certain discriminatory practices forbidden of employers who have one or more employees for more than one quarter of the year, without regard to industry or occupation.

### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED ACTS** — Among other prohibited acts, it is generally unlawful for a subject employer (1) to refuse to hire a job applicant, (2) to discharge an employee, or (3) to accord adverse or unequal treatment to a person with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff or other condition of employment, because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in a lawful activity off the employer's premises during non-working hours. Advertising, publishing or otherwise indicating that individuals of a particular race, color, religion, sex, national origin, age, physical or mental disability, marital status, public assistance status, or who participate in lawful activity off the employer's premises during non-working hours are unwelcome, objectionable, not acceptable or not solicited is also illegal.

**EXCEPTION** — It is generally not discriminatory for an employer to refuse to hire a person, or to discharge an employee, on the basis of religion, sex, national origin, physical or mental disability, or marital status, in situations where religion, sex, national origin, physical or mental disability, or marital status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

### *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** — *Human Rights Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* The Department may receive and act on a complaint charging discriminatory employment practices at any time within 300 days of the alleged violation.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — As an alternative to enforcement by the Department, anyone claiming to be aggrieved by an act of employment discrimination may bring civil action in state district court against the employer or other entity alleged to be responsible, using private legal counsel or a public legal service provider. Any such action must be filed within 300 days of the alleged violation, but if a complaint is first filed with the Department, court action must commence no later than 90 days after the Department dismisses the complaint or issues a written determination.