

## ● OKLAHOMA ANTI-DISCRIMINATION ACT

*STATUTORY CITATION:* Okla. Stat. Title 25, §§ 1101 – 1706

*GENERAL SUMMARY:* Along with protections related to housing and public accommodations, the Oklahoma Anti-Discrimination Act defines certain illegal employment practices and prescribes procedures for reporting and resolving charges of employment discrimination. With few exceptions, the Act applies to agricultural and non-agricultural employers who have one or more employees.

### *SPECIFIC TERMS AND CONDITIONS*

**PROHIBITED PRACTICES** — It is an unlawful employment practice for an employer to refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate against an individual with respect to the terms, conditions, privileges or responsibilities of employment, because of race, color, religion, sex, national origin, age (40 and over), genetic information or disability, unless the employer can demonstrate that accommodation for the disability would impose an undue hardship on the employer's business. The limitation, segregation or classification of an employee or applicant in any way which would deprive the individual of employment opportunities or otherwise adversely affect employment status on any such grounds is also illegal. Employment agencies and labor organizations are subject to comparable restrictions against discrimination.

No employer, employment agency or labor organization may circulate any employment notice or advertisement which indicates a preference or bias based on race, color, religion, sex, national origin, age, genetic information or disability, although religion, sex and national origin may under certain circumstances constitute bona fide occupational qualifications not necessarily indicative of unlawful discrimination.

**COMPLAINTS** — A person who has a grievance related to discrimination in employment may file a complaint with the state enforcement agency at any time up to 180 days after the alleged discriminatory act or practice occurred. If investigation of the complaint yields reasonable cause to believe the charges are valid and the state agency staff is unable to reach a mutually agreeable settlement between the complainant and the respondent, a hearing will be called to allow the respondent to answer the charges formally. If the agency finds from its review of all the evidence that the respondent has engaged in a discriminatory practice, an attempt must be made to reach a written conciliation agreement with the respondent, but if such measures fail, the agency will issue a formal order requiring compliance with the law and appropriate affirmative action to compensate for the violation. Affirmative action may include, among other remedies, hiring or reinstatement of the complainant, with or without back pay.

### *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** — *Office of Civil Rights Enforcement, Oklahoma Office of the Attorney General, Oklahoma City, Oklahoma 73105 (405-521-3921)*. In connection with investigation of a complaint, representatives of this agency have the right to enter public and private property, inspect records and documents relevant to the complaint, and examine and copy other evidence. The agency may also subpoena witnesses and take sworn testimony in fact-finding and adjudicatory proceedings, as outlined above. Final orders of the agency are enforceable in state district court.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — The Attorney General may refer a complaint alleging employment discrimination to any local human relations commission created for such purposes by one or more political subdivisions in the state. Local commissions are authorized to investigate, determine reasonable cause, attempt to informally eliminate discriminatory practices, and recommend compliance action to the Attorney General.

**PRIVATE CIVIL ACTION** — An employee aggrieved by an alleged violation of the Anti-Discrimination Act may take private legal action against the employer involved, but only after first filing a charge of employment discrimination with the administrative enforcement agency. If the matter is not resolved to the employee's satisfaction within 180 days after the charge is filed, the agency may issue a notice of a right to sue, allowing the employee to proceed with court action, using a private attorney or public legal service provider. Court action must commence no later than 90 days after the worker receives the right-to-sue notice.