

● CIVIL RIGHTS ACT OF 1964 (*TITLE VII*)

STATUTORY CITATION: 42 USC 2000e – 2000e-17

RELATED REGULATIONS: 29 CFR Part 1601

GENERAL SUMMARY: Title VII of the Civil Rights Act of 1964 defines certain unlawful employment practices by employers, employment agencies, labor organizations and training programs, and establishes procedures for reporting and resolving employment discrimination complaints. The law generally applies to employers — agricultural and non-agricultural alike — who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year are prohibited from engaging in any of the following practices:

(1) Refusing to hire a job applicant, harassing or discharging an employee, or otherwise discriminating against an individual with respect to compensation and other terms or conditions of employment, because of the individual's race, color, religion, national origin, or sex (including gender identity, sexual orientation, and pregnancy).

(2) Segregating, limiting or classifying job applicants or employees in any way which would deprive or tend to deprive them of employment opportunities or adversely affect their job status, on the basis of race, color, religion, national origin, or sex.

(3) Printing or publishing notices or advertisements indicating a preference or specification based on race, color, religion, national origin, or sex, except where such preference or specification is a bona fide occupational qualification for employment.

Comparable discriminatory practices by employment agencies and labor organizations are also unlawful.

COMPLAINT PROCEDURE — Anyone who is aggrieved by an apparent act of unlawful employment discrimination may file a charge with the enforcement agency, generally no later than 180 days after the alleged discrimination occurred. If the agency's investigation finds that there is reasonable cause to believe that the charge is true, the agency must attempt to eliminate the discriminatory practice through conference, conciliation and persuasion, but if informal measures do not result in an acceptable conciliation agreement, the agency may take legal action against the employer or other respondent named in the complaint in federal court. A finding by the court that an employer has intentionally engaged in unlawful employment discrimination under the Act may result in an order requiring the employer to cease the discriminatory practice and to take appropriate affirmative action, which may include hiring or reinstatement of the affected employee (with or without back pay) or other relief. In certain cases and under certain circumstances, the court may award monetary damages.

SPECIAL NOTES OR ADVISORIES

DEFERRAL OF ENFORCEMENT TO STATE OR LOCAL AGENCIES — In a state or locality which has a state or local law prohibiting unlawful employment practices and designating a state or local authority to enforce the prohibition, an employee may not file a charge with the Equal Employment Opportunity Commission until at least 60 days after filing the complaint with the state or local agency, or until action by the state or local agency is terminated, whichever occurs first.

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee or job applicant because the employee or applicant has filed a complaint, participated in a proceeding, or opposed any practice made illegal under Title VII.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000).* The Commission is authorized to investigate charges of unlawful employment practices under the Act, take statements from employees and employers, conduct fact-finding conferences and hearings, subpoena witnesses and information, inspect and copy records, and bring civil actions against employers found to have violated the law. Complaints are taken at any district, area or local EEOC office.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — The Commission may delegate primary responsibility for acting on civil rights complaints brought to its attention to any state or local fair employment practices agency which enforces anti-discrimination provisions similar to those described under this law and which meets certain other criteria. Puerto Rico and all states except Arkansas and Mississippi have statewide or local agencies to which EEOC will defer all or certain types of charges under the Act.

PRIVATE CIVIL ACTION — If a complaint filed with the Commission is dismissed, or the Commission has not reached an acceptable conciliation agreement with or taken legal action against the respondent named in the complaint within certain specified timeframes, the Commission may provide the complainant with a notice of the right to sue. At any time within 90 days after the notice is given, the complainant may file suit against the respondent in civil court directly, using a private attorney or a public legal service provider.