

● **UTAH ANTIDISCRIMINATION ACT**

STATUTORY CITATION: Utah Code §§ 34A-5-101 – 34A-5-112

GENERAL SUMMARY: The Utah Antidiscrimination Act outlaws certain defined unfair employment practices and designates a state agency to receive, investigate and rule on complaints alleging violations. The Act generally applies to all employers, agricultural and non-agricultural alike, that employ 15 or more individuals for each working day in 20 or more different calendar weeks during the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES — With some exceptions, it is unlawful for a subject employer to engage in any of the following practices, among others:

- (1) To refuse to hire or promote an individual, who is otherwise qualified, because of race, color, sex, pregnancy or childbirth, age (40 or older), religion, national origin, disability, sexual orientation, or gender identity.
- (2) To discharge, demote, or discriminate in matters of compensation or the terms, privileges and conditions of employment, against a person who is otherwise qualified, on any of the above-mentioned grounds.
- (3) To print or circulate any statement or advertisement, or use any form of job application, which directly or indirectly expresses any limitation, preference or discrimination as to race, color, religion, sex, pregnancy or childbirth, national origin, age, disability, sexual orientation, or gender identity, unless based on a bona fide occupational qualification.

Employment agencies and labor organizations are subject to similar prohibitions.

EXCEPTIONS — Among other exceptions, nothing in the Act prevents employers from hiring on the basis of religion, sex, pregnancy, childbirth, age, national origin, disability, sexual orientation, or gender identity in those instances where any such characteristic is a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business.

COMPLAINTS — Anyone aggrieved by a discriminatory or unfair employment practice may file with the state enforcement agency a request for agency action, at any time within 180 days after the alleged practice occurred. When the investigation of a complaint yields evidence of a violation, the staff must attempt to eliminate the prohibited practice by conciliation or persuasion. Failure to reach an informal settlement may result in a formal order by the agency, compelling the respondent to cease any discriminatory practice and to provide relief to the complainant.

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 — *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238)*. The Division is charged with receiving and investigating complaints under the Act, and with attempting to resolve informally those complaints determined to have merit. Separate units within the agency are responsible for hearing and adjudicating complaints which cannot be resolved by Division staff.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.