

● FAIR EMPLOYMENT PRACTICES LAW

STATUTORY CITATION: Vt. Stat. Title 21, §§ 495 – 496a

GENERAL SUMMARY: Chapter 5, Subchapter 6 of the state labor statutes defines certain unlawful practices involving discrimination in employment, applicable to virtually all agricultural and non-agricultural trades and industries in Vermont.

SPECIFIC TERMS AND CONDITIONS: Among other offenses described in the fair employment practices law, it is illegal for an employer to do either of the following:

(1) To discriminate against an employee or job applicant because of the individual's race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age (18 or over), or to discriminate against a qualified individual with a disability.

(2) To publish or circulate a job notice or advertisement indicating a preference, limitation or discrimination based on race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age, or disability.

These prohibitions generally do not apply where a bona fide occupational qualification requires an employee of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition. Similarly, the law does not bar an employer from observing the terms of a bona fide seniority system or employee benefit plan which may result in distinctions on the basis of age or disability, provided the system or plan is not a subterfuge to evade the law's anti-discrimination purposes.

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 — *Civil Rights Unit, Vermont Attorney General's Office, Montpelier, Vermont 05609 (802-828-3657, toll-free 888-745-9195).* Representatives of the attorney general's office are authorized to conduct investigations of employment discrimination charges, and to take action through the courts to restrain prohibited acts and seek civil penalties. The agency also has authority to obtain orders for reinstatement, restitution of wages, and other appropriate relief on behalf of employees who have been subjected to unlawful discrimination.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Any person aggrieved by a violation of these provisions may bring suit in superior court for damages, restitution of wages and benefits, reinstatement, and other appropriate relief.