

Federal Laws and the Workplace - FAQ

Q: What is Title VII of the Civil Rights Act?

A: Title VII (29 U.S.C. Section 2000e-2000e-17) is a federal law that prohibits discrimination in employment based on race, color, religion, sex and national origin.

Q: What is 42 U.S.C. Section 1981?

A: This is a federal statute that prohibits employment discrimination based on race or ethnicity.

Q: What is the Age Discrimination in Employment Act?

A: The ADEA (29 U.S.C. Sections 621-634) prohibits discrimination in employment based on age. For purposes of this statute, age is defined as at least forty years of age or older. Thus, it would not be a violation of the ADEA for an employer to refuse to hire an individual because that person was twenty-five years old. However, some state laws that prohibit age discrimination have a broader definition of the protected class; for example, Oregon prohibits age discrimination against any individual eighteen years of age or older.

Q: What is Title I of the Americans with Disabilities Act?

A: The ADA (42 U.S.C. Sections 12101-12118) prohibits discrimination in employment against persons with disabilities, both physical and mental.

The Meaning of the Term "Disability"

Both the ADA and the Rehabilitation Act protect individuals with disabilities. The definition of the term "disability" is the same for both laws. An individual with a disability is one who:

1. has a physical or mental impairment that substantially limits a major life activity;
or
2. has a record of having such a physical or mental impairment; or
3. is regarded as having such an impairment.

The term is defined broadly to include any physiologically based impairment or any mental or psychological impairment, but it does not include mere physical characteristic or cultural, economic or environmental impairment. For example, an individual with dyslexia has a disability but an individual who is illiterate does not; an individual who is a dwarf has a disability but a person who is short does not.

The impairment must cause a substantial limitation to a major life activity. Temporary conditions, such as a broken leg or a cold, would not be considered substantial limitations. The second meaning of the term includes individuals who no longer have a disability but have a record of a disability, such as a person who successfully recovered from tuberculosis, or an individual who was diagnosed as having cancer but in fact did not have or no longer has cancer.

The third meaning of the term includes individuals who have a condition, which does not substantially limit their activity, but which the employer believes substantially limits their activity. For example, a worker who has high blood pressure is denied a promotion because the employer believes that the stress of the job would cause a heart attack.

Q: What is the Rehabilitation Act?

A: The Rehabilitation Act (29 U.S.C. Sections 706(8), 791, 793-794a) prohibits discrimination in employment against persons with disabilities, both physical and mental.

Q: What is the National Labor Relations Act?

A: The NLRA, also called the Wagner Act and the Labor-Management Relations Act (29 U.S.C. Sections 141-197), deals with the role of unions in the workplace and prohibits discrimination in employment based on union activity.

Q: What is the Fair Labor Standards Act?

A: The FLSA (29 U.S.C. Sections 201-219) establishes minimum wage and overtime standards for employees and regulates the employment of children.

Family Legal Guide

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