

A legal information resource by the Federal Pro Se Legal Assistance Project

KNOW YOUR RIGHTS

Employment Discrimination, Title VII

Do you believe you have experienced discrimination at work? This resource will provide you with basic information about the most common employment discrimination protection law, Title VII of the Civil Rights Act of 1964. Read the following to learn about who and what is protected, the process of bringing a Title VII claim to federal court, how a claim can be proven, and types of relief available.

What is Title VII?

Title VII makes it unlawful for an employer “to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” These characteristics are commonly identified as “protected classes.”

Note: Employment discrimination based on criminal record status may be considered to be race discrimination, see [here](#). The term “sex” includes gender identity, sexual orientation and pregnancy, childbirth or related medical conditions.

Who are the parties under Title VII?

- **Plaintiffs** can be employees (current and former) or applicants for employment.
- **Defendants** can be the employer (you must name the company, organization, institution or individual).



What are possible claims under Title VII?

Under this law, discrimination can happen in two ways:

- **Disparate treatment:** when an employer treats certain employees or job applicants less favorably than others because of their religion, sex, national origin or race. This can happen in the form of harassment, retaliation, and/or through creating, permitting or contributing to a hostile work environment.
 - To establish disparate treatment, a plaintiff must show that the employer's actions were motivated by a discriminatory intent, either through direct evidence or circumstantial evidence.
- **Disparate impact:** when an employer's policies or practices may not be intended to discriminate but have a disproportionate adverse effect on a protected class. Such claims are often harder to prove: a plaintiff would need to show that employees or job applicants within a protected class were treated less well than other employees or applicants were, usually with statistics.

What relief is available if discrimination is proven?

Some or all the following forms of compensation may be available if a plaintiff settles a case or wins at trial:

- Reinstatement
- Back pay (and benefits) with interest
- Front pay (lost future earnings)
- Injunctive relief
- Attorney's fees (unless you are pro se)
- Litigation costs (filing fees, etc.)

What needs to be done before filing a case in federal court.

If you are claiming discrimination by a government entity, agency or employer, you will have to pursue available administrative remedies with the EEOC or NYS Division of Human Rights, who have their own administrative procedures to follow (which may include an investigation). After you have filed your complaint with either agency, you must wait to receive a Notice of Right to Sue before going to federal court.

Once you receive a Notice of Right to Sue, you have 90 days to file a complaint in federal court.

Other options if you choose not to or cannot file a case in federal court.

- File a complaint with the New York State Division of Human Rights within 3 years of the discriminatory conduct if alleging sexual harassment in employment or within 1 year of any other alleged discriminatory act.
- File a complaint with the New York City Commission on Human Rights within 1 year of the last alleged act of discrimination, or within 3 years for gender-based harassment claims, or
- File a complaint in state court under the New York State Human Rights Law within 3 years of the discriminatory conduct.

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