

# DISCRIMINATION

## YOUR RIGHTS AS A WORKING WOMAN :

You have the right to not be treated differently at work based on your gender, race, national origin, color, or religion.

- Unlawful gender discrimination includes: being treated differently than other employees because you are a woman, pregnancy discrimination, and sexual harassment.

## YOU HAVE THE RIGHT TO BE TREATED EQUALLY:

- When an employer is *hiring*.
  - An employer who refuses to hire women who are equally qualified for a job discriminates based on gender.
  - An employer who does not accept applications from or hire Latinos/as engages in unlawful racial discrimination.
- When the employer *assigns you to a particular job*.
  - A garment factory manager who automatically assigns women to sewing jobs and men to pressing jobs engages in gender discrimination.

## In the *conditions of your employment*.

- Women who are paid less than their male co-workers for doing the same work are subjected to unlawful gender discrimination.
- In an employer's *firing decisions*.
  - A company that fires only women workers when it downsizes discriminates against its women employees.

## PREGNANT WOMEN HAVE EQUAL RIGHTS.

Employers must treat pregnant women the same as non-pregnant employees with similar abilities:

- When an employer is *hiring*.
  - Employers who refuse to hire women if they are pregnant discriminate on the basis of gender.

## In the *conditions of employment*.

- A restaurant owner who makes a pregnant waitress take a position as a cashier, but who does not make other employees with similar abilities work as cashiers, discriminates based on gender.
- In granting *medical leave*.
  - A cleaning agency that does not permit pregnant women to take time off for medical reasons, but does permit other employees to take medical leave, discriminates against pregnant women.

## When an employer is *firing*.

- If an employer fires a woman because she is pregnant, the employer unlawfully discriminates.

## YOU HAVE THE RIGHT TO NOT BE SEXUALLY HARASSED.

Sexual harassment is unwanted sexual attention that affects working conditions, including:

- Sexual *demands*.
  - A manager who threatens to demote a woman unless she complies with his sexual requests sexually harasses his employee.
- Physical *touching*.
  - An employer who grabs at a woman in a sexual manner engages in sexual harassment, if the touching affects the woman's conditions of work.
- A sexually *hostile environment*.
  - A manager who permits his workers to call women offensive, sexual names on a regular basis may be held responsible for sexual harassment.

## YOU ALSO HAVE THE RIGHT:

- To *speak languages other than English* at work.
  - Employers may not have an “English only” rule unless it is necessary for conducting business.
- To *enforce your employment rights*.
  - An employer who retaliates or discriminates against you for enforcing your employment rights faces additional penalties.

## DOMESTIC WORKERS:

- Federal discrimination laws only apply to domestic workers if at least 15 people are working for your employer.
- If you are a domestic worker who is sexually harassed, you may be able to hold your employer liable for unwanted touching and other forms of physical harassment.

## UNDOCUMENTED WORKERS:

- Discrimination laws are available to all workers, regardless of your immigration status.
- If you choose to file a lawsuit, your immigration status may affect what remedies are available to you.

## ENFORCING YOUR EQUAL RIGHTS:

The first step to enforcing your right to not be discriminated against is to **keep a detailed record**.

- If your employer has a discriminatory *written policy*, make a copy for yourself. Also make a copy of any other discriminatory materials from your employer.
- *Write down* every inappropriate comment your employer makes and every inappropriate action that your employer takes. Write down as much information as possible, especially dates, places, and the names of other people who may have witnessed the occurrence.

If you are discriminated against in any of the above ways, you may **initiate a legal claim** at:

## The United States Equal Employment Opportunity Commission (EEOC).

- The EEOC enforces federal discrimination laws.
  - Charges may be brought against employers with *15 or more employees*.
  - Charges must be filed within *180 days* of the discriminatory action. (In some states, charges can be filed within 240 days of the discriminatory action.

Contact your local ACLU office for more information.)

- You may file charges with the EEOC in person or by mail. For the office closest to you, call 1-800-669-4000.

## State and local agencies/courts.

- Contact your local ACLU office for information about other possibilities in your state.

# WAGES AND HOURS

## YOUR RIGHTS:

- You have the right to earn at least the legal minimum wage – \$5.15 per hour.
- If you work more than 40 hours in one week, you have the right to earn one and a half times the amount of your regular wage for those extra hours – at least \$7.73 per extra hour.

## DOMESTIC WORKERS:

You have the same right to the minimum wage as all other workers.

## UNDOCUMENTED WORKERS:

You have the same right to the minimum wage. If you decide to enforce your wage and hour rights, your immigration status should not be an issue.

## ENFORCING YOUR WAGE AND HOUR RIGHTS:

The first step to enforcing your right to the minimum wage and overtime is to **keep a detailed record** of the time you work.

- Write down the day, the time you began working, any breaks that you took, and the time you finished working for the day.
- Include the wage you were paid.

If your right to the minimum wage and overtime is violated, you may **initiate a legal action.**

- You must file a claim within *two years* of the violation, or *three years* if the violation was willful.
- You may bring claims before:
  - **The United States Department of Labor:**  
Wage and Hour Division  
For the office closest to you, call 1-866-4-USWAGE (1-866-487-9243).
  - **Federal District Court.**  
The filing address depends on where you live. Contact an attorney or visit [www.us.courts.gov](http://www.us.courts.gov) for more information.
  - **State and local agencies/courts.**  
Contact your local ACLU office for information about other possibilities in your state.

## FAMILY MEDICAL LEAVE

### MEDICAL LEAVE FROM WORK:

- Eligible workers have the right to take (unpaid) time off from work when:
- you need to care for a new child,
  - you have a serious health condition and cannot work, or
  - you need to care for a sick family member.
- If you qualify, you can take up to 12 weeks of unpaid family medical leave each year.

### ELIGIBLE WORKERS:

- You are eligible to take family medical leave if you have worked for the same employer for at least *one year*; have worked at least *1,250 hours* over the last year for the employer (an average of 24 hours per week), and your employer has at least *50 employees*.

- If you are an eligible worker, you may not be fired for taking family medical leave. An employer must give you either the same job upon returning to work or an equivalent position. Your employer cannot penalize or harass you for taking family medical leave.

### ENFORCING YOUR FAMILY MEDICAL LEAVE RIGHTS:

- The first step to enforcing your right to family medical leave is to **keep a detailed record.**
- Write down the reason you took medical leave, the date you informed your employer, your last day of work before you took medical leave, your first day back at work (if any), and any actions by your employer.
  - Keep any documentation related to the reason for your family medical leave, such as doctors' notes and birth certificates.

If your employer violates your right to take family medical leave, you may **file a legal action.**

- Claims must be filed within *two years*, or *three years* for a willful violation.
- You may file a claim with:
  - **The United States Department of Labor:**  
Wage and Hour Division  
For the office closest to you, call 1-866-4-USWAGE (1-866-487-9243).
  - **Federal District Court.**  
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This pamphlet does not address all employment-related rights available to women workers. For example, the right to organize, workers' compensation, and unemployment insurance are not covered.

The American Civil Liberties Union is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.

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# Rights of Women Workers



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