Overview of Several Statutes Relating to Employment Practices

Title VII of the Civil Rights Act of 1964
Title VII makes it unlawful for an employer to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions or privileges of employment, because of an individual's race, color, religion, sex or national origin. This covers hiring, firing, promotions and all workplace conduct.

The Equal Pay Act
The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EOA provides that employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment.

The Americans with Disabilities Act
Under the equal employment provisions of the ADA, it is unlawful for an employer to discriminate against a qualified individual with a disability. Like most discrimination statutes, the prohibition applies to conduct involving applicants and employees in the terms, privileges and conditions of employment. It is also unlawful to discriminate against a non-disabled individual because of that person's association with a disabled individual. An employer must reasonably accommodate a disabled employee's functional limitations unless doing so would impose an undue hardship on the employer. Whether and when an employer must accommodate an employee is fact specific. When the obligation to accommodate arises, the employer must engage the employee in an interactive process to determine whether and what accommodation is reasonable.

The Age Discrimination in Employment Act
The ADEA is the primary federal statute that prohibits employers from discriminating against employees in terms, privileges and conditions of employment on the basis of age. The law also applies to employment agencies and labor organizations. To be covered by the ADEA, an individual must be 40 years old or older (there is no cap on an employee's age to be covered by the ADEA).

Fair Labor Standards Act
The Fair Labor Standards Act establishes minimum wage, overtime pay, record-keeping and child labor standards for nearly all workers in the private sector and in federal, state and local governments.

Family and Medical Leave Act
The FMLA provides covered employees with entitlement to up to 12 weeks of job-protected, unpaid leave during any 12 months for the following reasons: birth and care of the employee's child or placement for adoption or foster care of a child with the employee; to care for an immediate family member (spouse, child, parent) who has a serious health condition; or for the employee's own serious health condition.

Civil Rights Act of 1871 (Section 1983)
A person states a claim under 42 U.S.C. § 1983 if he or she alleges that the defendant deprived him or her of a constitutional right while acting "under color" of state law.