

## Is this discrimination?

Read the following descriptions of employment situations. Discuss what is happening in each case, and then answer the following questions:

1. Is this illegal discrimination?
  2. If yes, what right or law is being violated?
  3. What could the person do about it?
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1. Henry, an African-American man, applies in person for a job that was advertised in the paper. When he gets there he is told that there are no jobs available. On the way out he notices a young, white woman sitting in the reception area, filling out a job application form.
  
  2. Rhonda is pregnant and has been on the job as checkout person at the local supermarket for two weeks. Her back hurts and her ankles are swollen and both problems are worse after standing for 8 hours at a time, with only short breaks. She has asked her supervisor for a stool to sit on, but the supervisor told her no.
  
  3. Sonia has been working in the clerical area of a large insurance company for over a month. She likes her work, but has been having problems with her supervisor. Every time he gives her work he puts his hand on her shoulder and leans in close. He makes comments on her clothing and her body, and sometimes blocks her way to her desk with his body. She doesn't want to lose her job, but his attention is putting a lot of stress on her and making it hard to concentrate on her work.
  
  4. Linda has been working at the coffee shop for three months, doing an 8-3 shift. It allows her to be home when her kids are home and has worked well for her. Now she is being told that if she can't work Saturdays she will be fired.

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1. Is this illegal discrimination?
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1. Henry, an African-American man, applies in person for a job that was advertised in the paper. When he gets there he is told that there are no jobs available. On the way out he notices a young, white woman sitting in the reception area, filling out a job application form.

This is a violation of the Massachusetts Fair Employment Practices Act (FEPA) and Title VII of the Civil Rights Act, barring discrimination on the basis of race or sex.

Henry should talk to the young woman and find out what she was told. He could then either confront the employer, talk with an employment counselor if he has one, or contact the MCAD. If the advertised job is unionized, he could contact the union.

2. Rhonda is pregnant and has been on the job as checkout person at the local supermarket for two weeks. Her back hurts and her ankles are swollen and both problems are worse after standing for 8 hours at a time, with only short breaks. She has asked her supervisor for a stool to sit on, but the supervisor told her no.

This is a violation of the federal ADA (Americans with Disabilities Act) and the Massachusetts FEPA. Both laws require an employer to make a "reasonable accommodation" to an employee's disability. It is reasonable for Rhonda to ask for a stool. Rhonda should talk to her supervisor, citing the law and what it requires. If the employer still won't get Rhonda a stool, Rhonda should talk with co-workers about asking for a stool for everyone who works checkout. Rhonda can contact the union, if she has one, or the MCAD.

3. Sonia has been working in the clerical area of a large insurance company for over a month. She likes her work, but has been having problems with her supervisor. Every time he gives her work he puts his hand on her shoulder and leans in close. He makes comments on her clothing and her body, and sometimes blocks her way to her desk with his body. She doesn't want to lose her job, but his attention is putting a lot of stress on her and making it hard to concentrate on her work.

This is sexual harassment and illegal under the Massachusetts Fair Employment Practices Law (FEPA) and Title VII of the Civil Rights Act of 1964. It is a form of harassment called "hostile work environment," and is affecting Sonia's ability to do her job. She should tell the supervisor to stop what he is doing. She could also talk to her co-workers and enlist their help, go to the supervisor's supervisor if the harassment doesn't stop, file a grievance through her workplace sexual harassment grievance process, or go to her union, if she has one.

4. Linda has been working at the coffee shop for three months, doing an 8-3 shift. It allows her to be home when her kids are home and has worked well for her. Now she is being told that if she can't work Saturdays she will be fired.

While this hardly seems fair to Linda, there is no violation of the law here. There is no law that protects Linda's job because her status as a parent makes it difficult for her to work on Saturday.