

What is Employment Discrimination?

Discriminatory practices in employment on the basis of any protected class are unlawful.

Employment discrimination occurs when an individual is treated unfairly *because of* the person's protected class status.



Protected Classes in Employment include:

- Race/Color (including ethnic hairstyles)
- National Origin
- Citizenship/Immigration Status
- Creed
- Sex/Pregnancy
- Sexual Orientation/Gender Identity
- Veteran/Military Status
- The presence of any sensory, mental or physical Disability-Actual or Perceived
- Use of a Service Animal
- HIV or Hepatitis C
- Marital Status
- Age (40+)
- State Employee Whistleblower Status
- Healthcare Employee Whistleblower Retaliation

It is also **unlawful to retaliate** against any individual who files or participates in a discrimination complaint.



Illegal discrimination may occur during the employment application process through unfair pre-employment inquiries, or during employment while on the job. The ways in which employment discrimination may occur includes: disparate treatment, where an individual is treated differently or unfairly compared to similarly situated coworkers in the workplace who are outside of the individual's protected class; disparate impact, in which the employer may have a policy or practice that appears neutral, but which results in unfair treatment to an entire group of individuals based on their common protected class; harassment/hostile work environment, in which working conditions are so intolerable because of the employee's protected class that a reasonable person in the employee's place would have felt compelled to resign; failure to accommodate a disability or religious belief; or retaliation for complaining about discrimination.

Employment Discrimination is regulated by both state and federal laws, and the court system through litigation, which produces case law that interprets and applies the laws to fact-specific situations. Washington State Employment Discrimination Laws are found RCW 49.60; Title 162 Washington Administrative Code (WAC); and case law. Federal employment discrimination laws include: Title VII of the Civil Rights Act of 1964; Title I of the Americans with Disabilities Act; Age Discrimination in Employment Act of 1967 (ADEA); Equal Pay Act of 1963 (EPA); Genetic Information Non Discrimination Act (GINA); Lilly Ledbetter Fair Pay Act; Pregnant Workers Fairness Act and case law.



The Mission of the Washington State Human Rights Commission is to prevent and eliminate discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community.

FILING A COMPLAINT

Everyone has an obligation to comply with the law and a right to seek redress when harm occurs. Complaints alleging violations of RCW 49.60 must be filed within six (6) months of the date of harm, with the exception of pregnancy discrimination cases, which must be filed within one (1) year; and in Whistleblower complaints, within two (2) years. Complaints may be resolved during an investigation subject to agreement between the parties and the WSHRC.

The WSHRC has **no jurisdiction** over employers with fewer than 8 employees, Native American tribes, the federal government, or claims outside of Washington State.



FAIR APPLICATION OF THE LAW

The Washington State Human Rights Commission is a neutral, fact-finding agency; it does not act as an advocate for any party during an investigation, but advocates for the law in the interest of preventing and eliminating discrimination.

WASHINGTON STATE HUMAN RIGHTS

COMMISSION LOCATIONS:

HEADQUARTERS

711 S. Capitol Way, Suite 402
PO Box 42490
Olympia, Washington 98504-2490
360-753-6770

SPOKANE

Rock Pointe Plaza III
1330 N. Washington Street, Ste 2460
Spokane, Washington 99201
1-800-233-3247

YAKIMA

1205 Ahtanum Ridge Dr., Suite C
Union Gap, WA 98903

WENATCHEE

519 Grant Rd
East Wenatchee, WA 98802

If you need additional information, have additional questions, or wish to have training for your organization, please contact the WSHRC at 360-753-6770 or 1-800-233-3247.
TTY: 360-586-2585

Additional information on this and other civil rights issues can be found on our website at

www.hum.wa.gov



WASHINGTON STATE HUMAN RIGHTS COMMISSION



EMPLOYMENT DISCRIMINATION

The Washington State Human Rights Commission (WSHRC) works to prevent and eliminate discrimination through complaint investigation, alternative dispute resolution, and education, training and outreach activities.