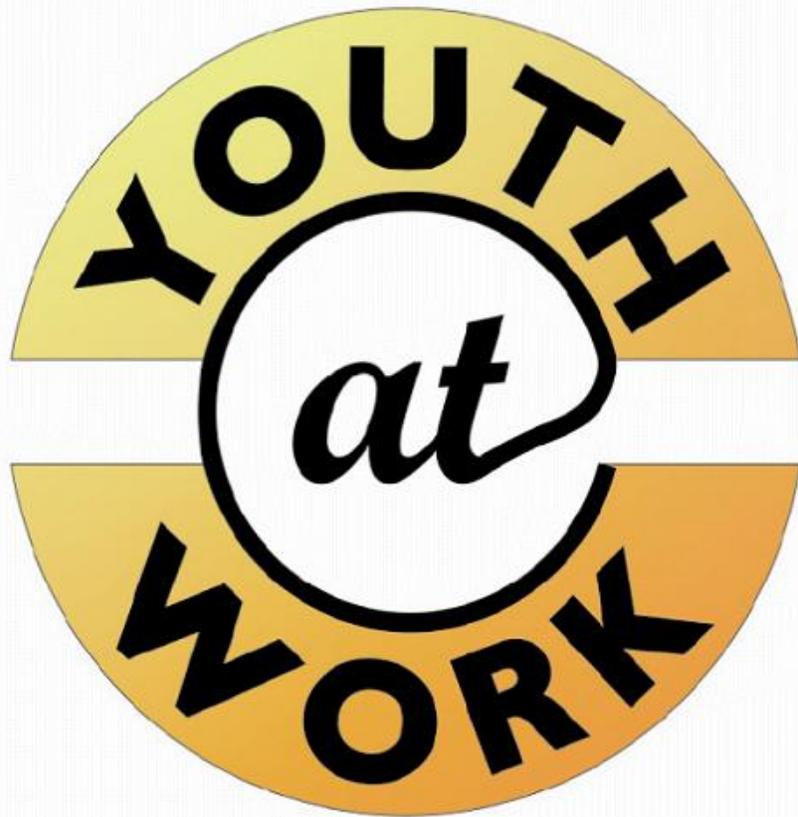


Job Discrimination
Youth@Work Video
Student Manual



U.S. Equal Employment Opportunity Commission
www.eeoc.gov
1-800-669-4000



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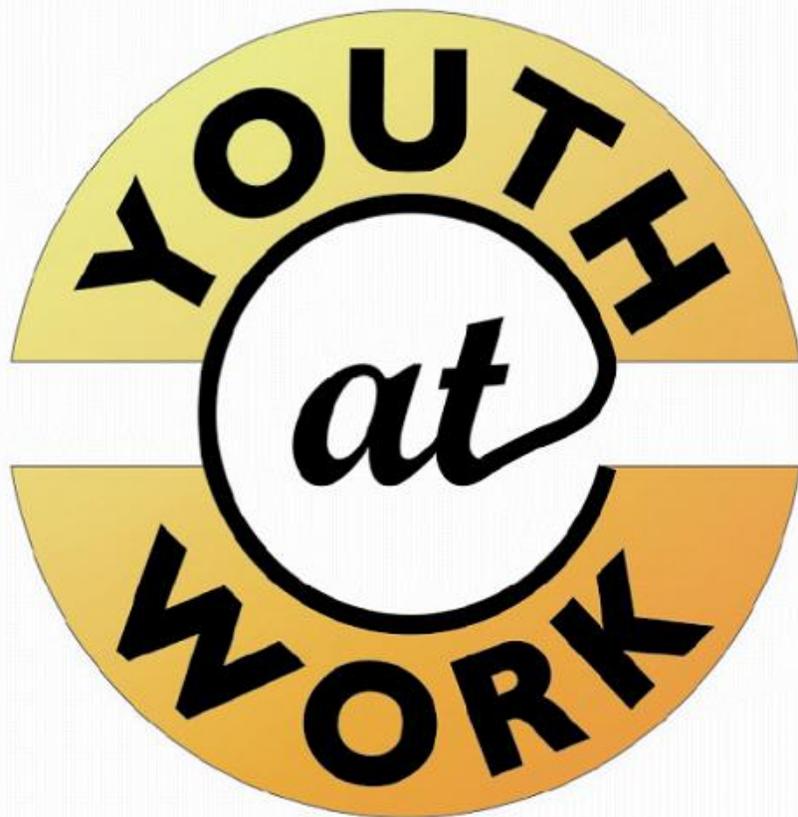
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Video Follow-Up Questions



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YOUTH @ WORK VIDEO Follow-Up Questions



The Youth@Work video explores discrimination and harassment based on race, skin color, religion, sex (including pregnancy), national origin, age and disability. The video also addresses retaliation.

The video features scenarios from three fictional workplaces: a fast food restaurant, a construction site, and a retail store. In the video, teens encounter a variety of potentially discriminatory situations. After each scenario, narrators ask questions and provide information about the specific conduct depicted.

Discuss the following questions in your group.

FAST FOOD RESTAURANT SCENARIO



1. Do you think Patti, the manager, discriminated against Gisela when she refused to let Gisela work at the drive-thru window? Patti says that Gisela is "better suited to cleaning and bussing tables than interacting with customers."



2. Patti told Toni, the applicant in the wheelchair, that the restaurant was not hiring and she was not accepting applications. However, later in the scenario, Patti allowed another applicant, Erica, to submit an application. Do you think that Patti discriminated against Toni when she refused to give her an application? Why or why not?



3. Mike believes that Patti promoted Kisha to Assistant Manager because Kisha is a woman and Patti is prejudiced against men. Do you think that Patti's selection of Kisha as Assistant Manager was discriminatory? Why or why not?



4. Do you think Mike expressed his concerns about Kisha's promotion appropriately? Why or why not?



5. In the last scene, do you think that Mike and Robert's comments to Gisela and Brianna ("cleaning is your family trade" and "go back to the kitchen and cook up some fried chicken and collard greens") constitute illegal harassment? Or were Mike and Robert just joking around?

CONSTRUCTION SITE SCENARIO



1. Mr. Foster asks Hailey to go to dinner with him, and suggests that she bring something sexy to change into. Hailey rejects Mr. Foster's advances, but he ignores her. Do you think that Mr. Foster sexually harassed Hailey? Why or why not?



2. Did Hailey's supervisor, Vince, handle her complaint of harassment appropriately? Why or why not?



3. What rights does Hailey have regarding sexual harassment?



4. Sam and John believe that Vince treats them differently because of their skin color. Sam believes that John gets easier assignments because of his lighter skin tone. But John believes that Vince treats employees with a darker skin tone better. Is it legal for Vince to assign work based on employees' skin color?



5. Hakim asks Vince if he can arrange his schedule so that he can pray several times a day, as required by his religion. Does Hakim have a right to make this request?

RETAIL STORE SCENARIO



1. Do you think that Scott's comment to Anuj about his father being a taxi driver constitutes illegal harassment? What about Scott and Anuj's comment about Jack, the greeter, taking a nap? Or were Scott and Anuj just joking around?



2. Do you think that Olivia sexually harassed David? Why or why not?



3. Do you think David and his supervisor responded appropriately to Olivia's conduct? Why or why not?



4. Do you believe Colin acted appropriately when he told Isabel that he would need a sign language interpreter for the staff meeting? Why or why not?



5. Do you think Isabel responded appropriately to Colin's request for a sign language interpreter for the staff meeting? Why or why not?



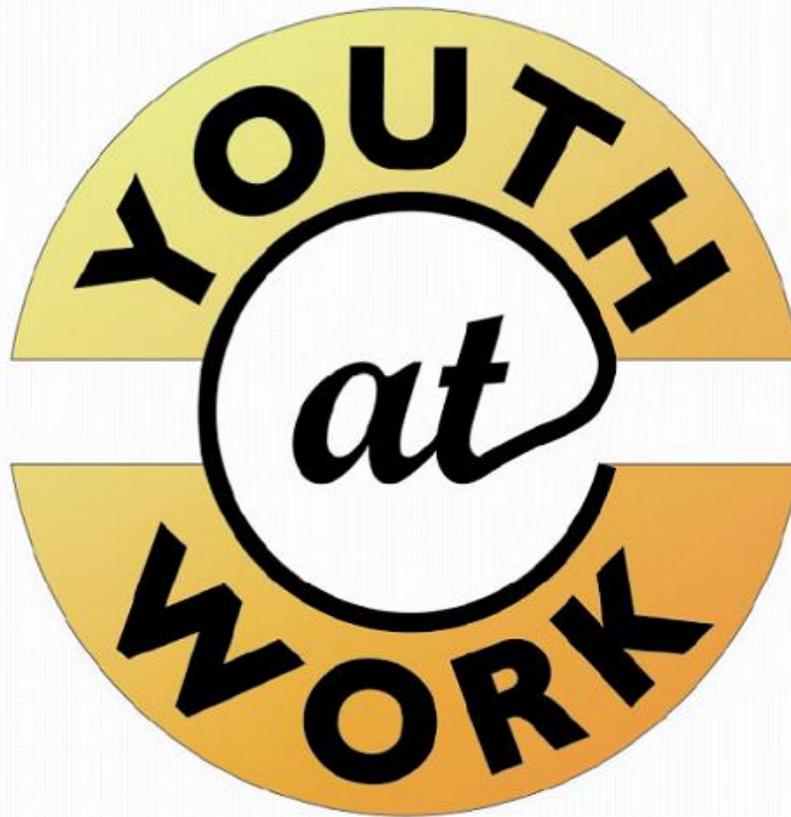
6. What do you think of the store's policy that an employee who is visibly pregnant must take leave until after she gives birth? Who has the right to decide when a pregnant employee goes on maternity leave—the employee, or the company?

GENERAL QUESTION

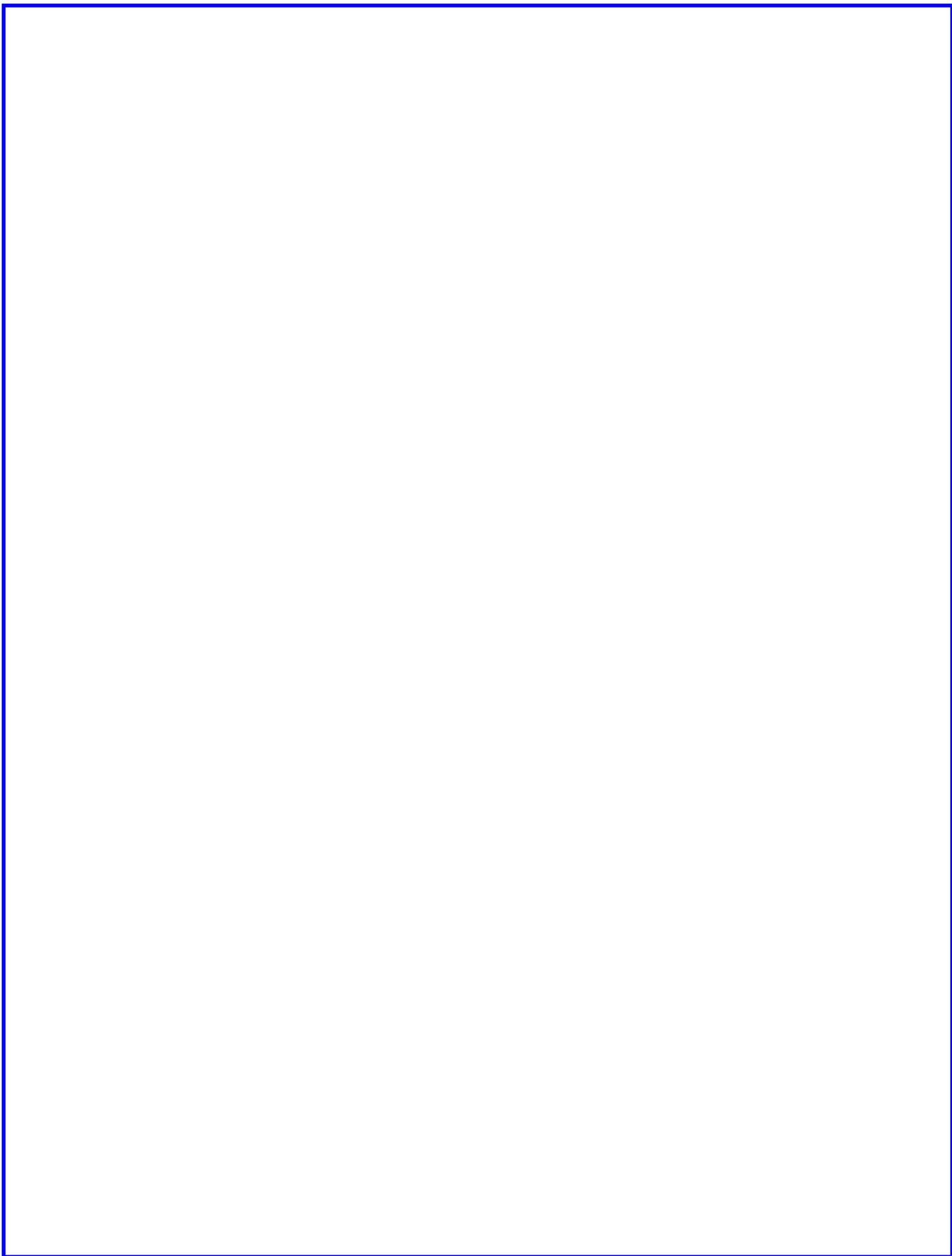


What should you do if you believe you are being harassed or discriminated against at work?

Exercise Challenge Yourself!



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Exercise Challenge Yourself!



Directions: Learn more about job discrimination and the EEOC by completing the following multiple choice quiz.

1. Wanda, who is African-American, works in the storeroom at a grocery store. On Wanda's first day, one of the delivery men, who is White, was very rude to her. Since then, this delivery man has attached negative jokes or cartoons about African-Americans to packages he leaves with Wanda. What should Wanda do?



- A. Wanda should do nothing. The delivery man does not work for the grocery store, so the store can't be held responsible for his conduct.
- B. Wanda should tell the delivery man that his behavior is offensive, and that it must stop immediately.
- C. Wanda should tell her supervisor or any other store supervisor or manager responsible for handling harassment and discrimination complaints about the delivery man's conduct.
- D. Both B and C are correct.



2. Tim and Angie, who is the team leader, work at a local amusement park. They recently broke up after dating for several months. Angie begins following Tim at work and begs him to give her another chance. When Tim refuses, Angie changes Tim's schedule so she won't have to work with him. As a result, Tim's hours are cut in half. Is Angie's behavior sexual harassment?

- A. Yes. It was illegal for Angie to reduce Tim's hours because he refused to date her. Angie also should have stopped asking Tim out after they broke up.
- B. No. Angie's behavior is not sexual harassment because Angie has not kissed or hugged Tim. Angie reasonably tried to stay away from Tim after he refused to give her another chance.
- C. No. Angie's behavior is not sexual harassment because she and Tim used to date. It is impossible for people who used to be in a relationship to sexually harass each other.
- D. No. Angie's behavior is not sexual harassment because only women can be sexually harassed.

3. Jorge, a Honduran citizen living in the United States, accepted a summer job with a landscaping company. On his first day, Jorge broke a lawn mower, prompting the customer to yell at him. The customer called Jorge "stupid" and complained that foreign kids like Jorge were stealing jobs from hard-working Americans. Jorge did not see the customer again during the rest of the summer. Is the customer's treatment of Jorge illegal harassment?



- A. No. Because the customer does not work for the landscaping company, the company cannot be held legally responsible for the customer's conduct.
- B. No. Although the customer's conduct was offensive and was directed at Jorge because of his national origin, it was not sufficiently severe (very serious) or pervasive (frequent) to establish illegal harassment.
- C. No. Because Jorge is not an American citizen, he is not protected by U.S. employment discrimination laws.
- D. Yes. It is illegal to harass someone at work for any reason.



4. Andrew and Samantha went to an employment agency to find temporary jobs for the summer. The agency refers Samantha to a receptionist job at a law firm. The agency tells Andrew that it cannot refer him for the receptionist job because the law firm requested a young lady. Did the employment agency discriminate against Andrew?

- A. No. The laws only apply to employers and not employment agencies that refer you to other companies.
- B. No. Andrew is not protected from discrimination because he is an applicant, not an employee.
- C. No. The employment agency was only following the orders of the law firm, which refused to hire a man as a receptionist. The law firm, and not the employment agency, is responsible for the discrimination.
- D. Yes. An employment agency cannot refuse to refer someone for a receptionist position because he is a male.

5. Jeanette was offered a job as a waitress at a local restaurant. At the end of her interview, she mentioned that she was pregnant, but that she was perfectly capable of performing her duties as a waitress. When Jeanette called to get her start date, the manager said he had hired someone else. He said he was afraid that Jeanette would hurt her baby carrying heavy trays of food and that the customers might not like having a pregnant woman waiting on them. He invited her to reapply after she had her baby. Is the manager's decision illegal?



- A. No. The manager did not discriminate against Jeanette because he invited her to reapply after she gave birth, and refused to hire her only out of concern for the health and safety of Jeanette and her baby.
- B. Yes. The manager discriminated against Jeanette when he refused to hire her because she is pregnant.
- C. No. The manager can legally decide not to hire Jeanette because restaurant customers may not want pregnant servers.
- D. Yes. Once the manager offered Jeanette the job, he had no right to change his mind and hire someone else.



6. Quincy has worked at a clothing store for six months and has received good performance reviews from his manager. Two weeks ago, Quincy's girlfriend stopped by the store. Since then, the manager has been watching Quincy closely. Today, the manager fired Quincy, explaining that sales were down. A co-worker told Quincy that the manager was looking for a reason to fire Quincy because she disapproved of Quincy's interracial relationship. Quincy is African-American and his girlfriend is White. Is this treatment illegal?

- A. Yes. The manager illegally discriminated against Quincy if she fired him because of his interracial relationship.
- B. No. The manager may have disapproved of Quincy's interracial relationship, but she did not fire him until two weeks after meeting his girlfriend. If the manager had fired Quincy the day after meeting his girlfriend, then the firing may have been illegal.
- C. No. Sales are down, and the manager has the right to fire any employee she chooses.
- D. Yes, but Quincy must hire a lawyer, and must pay EEOC to investigate and decide the case.

7. Naira, who is Native American, works part-time at a bowling alley. She tries to register for the company's manager training program, but her supervisor tells her that the class is full, commenting, "It's just as well. After all, you'll make a lot more money working at a casino on your people's reservation." Two days later, the supervisor allows five of Naira's co-workers, none of whom are Native American, to register for the training program. Is the supervisor's conduct illegal?



- A. No. Naira works part-time, and federal law does not protect part-time workers from employment discrimination.
- B. No. Federal employment law does not prohibit discrimination in management training programs.
- C. Yes. If the supervisor refused to allow Naira to register for the training program because of her race (because she is Native American), he has engaged in unlawful discrimination.
- D. Yes. The supervisor discriminated against Naira because of her race when he refused to allow her to register for the manager training program. In addition, the supervisor's remark about Naira working at a casino on "[her] people's reservation" is illegal harassment based on Naira's race.



8. Rosa spends her summers working on a fruit farm. The farm owner docks her pay whenever she is late for work, but allows Haitian workers to make up the time at the end of the day. Rosa believes the farm owner treats her differently because she is from Mexico. A friend tells Rosa to call the EEOC for help, but she is afraid because she is an undocumented worker. Can the EEOC help Rosa?

- A. No. Undocumented workers are not protected by United States anti-discrimination laws.
- B. No. The farm owner has a right to dock Rosa's pay if she is late for work.
- C. No. Rosa is only a seasonal employee, so she is not protected by the federal ant-discrimination laws.
- D. Yes. Rosa may have been the victim of wage discrimination because of her national origin. EEOC can help Rosa even if she is an undocumented worker.

9. Amardeep, who is Sikh, wears a turban as required by his religion. His supervisor tells him that his turban makes his co-workers “uncomfortable” and asks him to remove it. The supervisor also claims that employees are not allowed to wear hats or other head coverings at work. What should Amardeep do?



- A. Amardeep should remove the turban so he doesn't make his co-workers uncomfortable.
- B. Amardeep should explain to his supervisor that he wears the turban as part of his religious beliefs. Amardeep also should ask his employer to make an exception to the “no hats” rule so that he may wear his turban.
- C. Amardeep should remove the turban because his supervisor is trying to protect him from harassment by his co-workers.
- D. Amardeep should remove the turban immediately because his employer doesn't allow anyone to wear hats or other head coverings at work.



10. Juanita recently graduated from high school and began work as a shift manager at a retail store that specializes in clothing for juniors. She does not get along with an older employee (age 45) who works part-time. At one staff meeting, Juanita gave the older employee a cane as a joke. On another occasion, Juanita told the older employee to take the afternoon off and go home to take a nap. Juanita regularly refers to this older employee as "Grandma." After several months, Juanita decides to fire the older employee because she wants to hire someone younger. Juanita believes a younger employee will relate better to the store's teen customers. Is this conduct illegal?

- A. Yes. Federal law protects workers age 40 or older from job discrimination and harassment based on their age.
- B. No. The federal age discrimination law does not apply to teenage workers, so it is not illegal for Juanita to fire the older employee.
- C. No. As a manager, Juanita has the authority to make decisions about hiring and firing employees.
- D. No. Juanita did not discriminate against the older employee because it is important for a retail store that markets to teenagers to hire workers who are the same age as its customers.

11. Jamal, a cashier at a retail store, asks his Store Manager to order special equipment for the cash register because he has low vision and cannot see the number keys. The Store Manager agrees to Jamal's request and orders the special equipment. Later that day, the Store Manager tells one of Jamal's co-workers about the special equipment she ordered because Jamal has trouble seeing the number keys on the cash register. The co-worker is surprised and says she didn't know that Jamal was "blind as a bat." The next day, Jamal's co-workers call him Batman and flap their arms and squint when they see him. Jamal complains to the Store Manager about this behavior, and she immediately corrects the problem. Jamal's co-workers do not make any more comments about his vision. Did the Store Manager respond correctly to Jamal's requests?



- A. No. The Store Manager should not have granted Jamal's request for the special equipment because Jamal did not put his request in writing.
- B. Yes. The Store Manager responded correctly to Jamal's request for special equipment because of his low vision. She also acted quickly to stop his co-workers from harassing him. The Store Manager had a responsibility to tell the co-worker about Jamal's disability so the co-worker would understand why Jamal was using special equipment on the cash register.
- C. No. The Store Manager responded correctly to Jamal's request for special equipment due to his low vision and to his complaint about co-worker harassment, but she should not have discussed Jamal's disability or need for special equipment with his co-workers.
- D. Yes. The Store Manager was acting in Jamal's best interest when she helped him obtain special equipment for the cash register, mentioned his disability to a co-worker, and stopped the co-workers from teasing him. The Store Manager thinks Jamal is a good employee and was only trying to protect him.



12. Maria applies to work as a summer intern at a radio station. The interview goes well. A Human Resources employee conducts a background check, which includes an Internet search of Maria's name. Maria's Facebook page appears in the Internet search results. The Facebook page, which is available for public viewing,

features a picture of Maria standing next to a mile marker in a T-shirt imprinted with "My Aunt is My Hero" and a pink ribbon. Touched, the Human Resources employee conducts an Internet search for Maria's name and "breast cancer" and learns that Maria's aunt was diagnosed with breast cancer but is responding well to treatment. The Human Resources employee writes a note on the white board in his office: "Touch base with Maria: aunt's cancer treatment." The employee's sister was recently diagnosed with breast cancer, and he is interested in learning more about successful treatments. Maria is hired. Did the company discriminate against Maria?

- A. No. The company did not discriminate against Maria; it hired her as a summer intern.
- B. Yes. The company discriminated against Maria by viewing her Facebook page.
- C. Yes. The company discriminated against Maria by seeking out information about her aunt's breast cancer and posting a note in public about Maria and her aunt's cancer treatment.
- D. No. The Human Resources employee should not have conducted the Internet search for Maria's name and "breast cancer" and should not have written "Touch base with Maria: aunt's cancer treatment" on his white board. However, the employee took these actions to help his sister, not to hurt Maria.

13. Daniel filed a charge of discrimination against the company he worked for last summer – a swimming pool supply and service company. As part of the investigation, an EEOC investigator spoke to one of Daniel’s co-workers, Brian, who agreed that the supervisor treated Daniel unfairly. As a result of the EEOC investigation, the supervisor called both Daniel and Brian at home and yelled at them for talking to the EEOC. The supervisor also gave them negative references. Prior to the EEOC investigation, the supervisor had no complaints about Daniel or Brian’s job performance. Did the supervisor violate the law?



- A. Yes. The supervisor illegally retaliated against Daniel by giving him a negative reference because he filed a charge of discrimination with the EEOC. It was also illegal for the supervisor to give Brian a negative reference because Brian participated in the EEOC investigation.
- B. No. It was reasonable for the supervisor to yell at Daniel and Brian and give them negative references because the EEOC investigation was disruptive to the workplace.
- C. No. The supervisor did not violate the law because he called Daniel and Brian at their homes, and not at work.
- D. No. Federal law only protects current employees from discrimination. Because Daniel and Brian were no longer employed by the company when they spoke to the EEOC, it was not illegal for the supervisor to yell at them and give them negative references.

14. I am interested in learning more about the EEOC. I would also like to share information about student workers' rights and responsibilities with my friends. How can I do this?



- A. Visit the EEOC website at www.eeoc.gov for the latest information on the Commission, relevant laws, recent news and lawsuits, and more.
- B. Contact an editor or faculty advisor for your school newspaper and pitch an article idea about student workers and employment rights.
- C. Encourage your school to invite an EEOC representative to discuss students' rights and responsibilities on the job.
- D. All of the above.

ANSWERS



Challenge Yourself!

Answers



1. Wanda, who is African-American, works in the storeroom at a grocery store. On Wanda's first day, one of the delivery men, who is White, is very rude to her. Since then, this delivery man has attached negative jokes or cartoons about African-Americans to packages he leaves with Wanda. What should Wanda do?

- A. Wanda should do nothing. The delivery man does not work for the grocery store, so the store can't be held responsible for his conduct.
- B. Wanda should tell the delivery man that his behavior is offensive, and that it must stop immediately.
- C. Wanda should tell her supervisor or any other store supervisor or manager responsible for handling harassment and discrimination complaints about the delivery man's conduct.
- D. Both B and C are correct.**

A is incorrect. Employers may be held responsible for harassment, even when the harasser is not an employee, if the employer knew about the harassment and did not act to correct the situation. The store could, for example, contact the delivery company to request a different delivery person handle the store's package delivery.

B is correct. Although Wanda is not legally required to confront the delivery man, she should, if she feels comfortable, ask the delivery man to stop harassing her. Wanda should also report the delivery man's conduct to her supervisor or any other store supervisor or manager responsible for handling harassment and discrimination complaints.

C is correct. Even if Wanda does not ask the delivery man to stop harassing her, she should report the harassment to the grocery store immediately. Once the store knows Wanda is being harassed because of her race, it has a responsibility to correct the situation and protect her from further harassment.

D is correct. By addressing the harassment with both the delivery man and her employer, Wanda maximizes her opportunity to resolve the situation quickly. Wanda also could talk to her parents or call the EEOC for help, especially if her employer is unwilling to help her correct the situation.



2. Tim and Angie, who is the team leader, work at a local amusement park. They recently broke up after dating for several months. Angie begins following Tim at work and begs him to give her another chance. When Tim refuses, Angie changes Tim's schedule so she won't have to work with him. As a result, Tim's hours are cut in half. Is Angie's behavior sexual harassment?

- A. Yes. It was illegal for Angie to reduce Tim's hours because he refused to date her. Angie also should have stopped asking Tim out after they broke up.
- B. No. Angie's behavior is not sexual harassment because Angie has not kissed or hugged Tim. Angie reasonably tried to stay away from Tim after he refused to give her another chance.
- C. No. Angie's behavior is not sexual harassment because she and Tim used to date. It is impossible for people who used to be in a relationship to sexually harass each other.
- D. No. Angie's behavior is not sexual harassment because only women can be sexually harassed.

A is correct. Once Tim told Angie that he no longer wanted to date her, Angie should not have continued to ask him out or otherwise harassed him. In addition, it was illegal for Angie to reduce Tim's hours because he refused to date her, even if Angie made the schedule change so they could avoid each other.

B is incorrect. Sexual harassment can be based on verbal remarks even if there is no physical touching. Plus, a manager cannot make a negative decision about your job, such as cutting your hours or reducing your pay, because you refuse to date him or her.

C is incorrect. Angie's behavior is sexual in nature and Tim has made it clear to Angie that her advances are no longer welcome. Angie's behavior is sexual harassment.

D is incorrect. Federal law protects both men and women from sexual harassment.



3. Jorge, a Honduran citizen living in the United States, accepted a summer job with a landscaping company. On his first day, Jorge broke a lawn mower, prompting the customer to yell at him. The customer called Jorge "stupid" and complained that foreign kids like Jorge were stealing jobs from hard-working Americans. Jorge did not see the customer again during the rest of the summer. Is the customer's treatment of Jorge illegal harassment?

A. No. Because the customer does not work for the landscaping company, the company cannot be held legally responsible for the customer's conduct.

B. No. Although the customer's conduct was offensive and was directed at Jorge because of his national origin, it was not sufficiently severe (very serious) or pervasive (frequent) to establish illegal harassment.

C. No. Because Jorge is not an American citizen, he is not protected by U.S. employment discrimination laws.

D. Yes. It is illegal to harass someone at work for any reason.

A is incorrect. An employer may be held responsible when its employees are harassed by a customer, if the employer knew or should have known about the harassment and did not act to correct the situation.

B is correct. For workplace harassment to be illegal, the conduct must either be very serious or it has to occur frequently. One instance of harassing conduct is generally not illegal, unless the conduct is very serious, such as a physical assault.

C is incorrect. Persons who are not citizens of the United States are protected by the U.S. employment discrimination laws while they are working in the United States for an employer covered by these laws.

D is incorrect. Not all workplace harassment is illegal. In this case, the customer yelled at Jorge on only one occasion, and no severe conduct such as a physical assault was involved.



4. Andrew and Samantha went to an employment agency to find temporary jobs for the summer. The agency refers Samantha to a receptionist job at a law firm. The agency tells Andrew that it cannot refer him for the receptionist job because the law firm requested a young lady. Did the employment agency discriminate against Andrew?

A. No. The laws only apply to employers and not employment agencies that refer you to other companies.

B. No. Andrew is not protected from discrimination because he is an applicant, not an employee.

C. No. The employment agency was only following the orders of the law firm, which refused to hire a man as a receptionist. The law firm, and not the employment agency, is responsible for the discrimination.

D. Yes. An employment agency cannot refuse to refer someone for a receptionist position because he is a male.

A is incorrect. Federal law applies to private companies, state and local government agencies, schools and colleges, non-profit organizations, unions, and employment agencies. They also apply to all federal government agencies.

B is incorrect because federal law protects employees, applicants, and former employees from discrimination.

C is incorrect. Federal law prohibits employment agencies from discriminating against their own employees as well as in their referral practices. An employment agency may not honor an employer's request if it is discriminatory.

D is correct. Federal law prohibits employment agencies from discriminating against their own employees as well as in their referral practices. It was illegal for the employment agency to refer only Samantha to the law firm, if Andrew was also qualified for the receptionist job. [EEOC would also investigate the law firm for placing an illegal job order with the employment agency].



5. Jeanette was offered a job as a waitress at a local restaurant. At the end of her interview, she mentioned that she was pregnant, but that she was perfectly capable of performing her duties as a waitress. When Jeanette called to get her start date, the manager said he had hired someone else. He said he was afraid that Jeanette would hurt her baby carrying heavy trays of food and that the customers might not like having a pregnant woman waiting on them. He invited her to reapply after she had her baby. Is the manager's decision illegal?

A. No. The manager did not discriminate against Jeanette because he invited her to reapply after she gave birth, and refused to hire her only out of concern for the health and safety of Jeanette and her baby.

B. Yes. The manager discriminated against Jeanette when he refused to hire her because she is pregnant.

C. No. The manager can legally decide not to hire Jeanette because restaurant customers may not want pregnant servers.

D. Yes. Once the manager offered Jeanette the job, he had no right to change his mind and hire someone else.

A is incorrect. It is illegal for the manager to refuse to hire Jeanette solely because she is pregnant. It does not matter whether the manager's decision was based on concern that Jeanette's baby may be harmed.

B is correct. As long as Jeanette can perform her duties as a waitress, the manager cannot deny her the job just because she is pregnant.

C is incorrect because customer preferences do not justify discrimination.

D is incorrect. The laws enforced by EEOC do not prevent the manager from deciding to hire someone else, as long as he did not base his decision on Jeanette's pregnancy (or on some other characteristic covered by the anti-discrimination laws, such as her gender or race).



6. Quincy has worked at a clothing store for six months and has received good performance reviews from his manager. Two weeks ago, Quincy's girlfriend stopped by the store. Since then, the manager has been watching Quincy closely. Today, the manager fired Quincy, explaining that sales were down. A co-worker told Quincy that the manager was looking for a reason to fire Quincy because she disapproved of Quincy's interracial relationship. Quincy is African-American and his girlfriend is White. Is this treatment illegal?

A. Yes. The manager illegally discriminated against Quincy if she fired him because of his interracial relationship.

B. No. The manager may have disapproved of Quincy's interracial relationship, but she did not fire him until two weeks after meeting his girlfriend. If the manager had fired Quincy the day after meeting his girlfriend, then the firing may have been illegal.

C. No. Sales are down, and the manager has the right to fire any employee she chooses.

D. Yes, but Quincy must hire a lawyer, and must pay EEOC to investigate and decide the case.

A is correct. It is illegal for employers to make employment decisions based on an employee's relationship with someone of a different race.

B is incorrect. The events may still be linked. The two week delay between the manager learning of Quincy's interracial relationship and firing him does not necessarily mean that the two events are not linked. Two weeks is a short period of time and the statement of Quincy's co-worker suggests that the manager may have fired Quincy because of his girlfriend's race.

C is incorrect. Even if sales are down, the manager cannot fire Quincy because of his interracial relationship. If an employer decides

to cut staff for economic reasons, it cannot use discriminatory reasons to choose the particular employee for layoff.

D is incorrect. EEOC's services are free. You do not need an attorney to file a charge with the EEOC. Furthermore, you do not need to pay the EEOC to investigate and decide your case.



7. Naira, who is Native American, works part-time at a bowling alley. She tries to register for the company's manager training program, but her supervisor tells her that the class is full, commenting, "It's just as well. After all, you'll make a lot more money working at a casino on your people's reservation." Two days later, the supervisor allows five of Naira's co-workers, none of whom are Native American, to register for the training program. Is the supervisor's conduct illegal?

- A. No. Naira works part-time, and federal law does not protect part-time workers from employment discrimination.
- B. No. Federal employment law does not prohibit discrimination in management training programs.
- C. Yes. If the supervisor refused to allow Naira to register for the training program because of her race (because she is Native American), he has engaged in unlawful discrimination.**
- D. Yes. The supervisor discriminated against Naira because of her race when he refused to allow her to register for the manager training program. In addition, the supervisor's remark about Naira working at a casino on "[her] people's reservation" is illegal harassment based on Naira's race.

A is incorrect. Federal law protects full-time, part-time, seasonal, and temporary employees from employment discrimination if they work for an employer covered by these laws. Almost all employers with at least 15 employees are covered by the federal anti-discrimination laws.

B is incorrect. Federal laws apply to all types of work situations, including admission to management training programs and other job training, hiring, firing, promotion, pay, etc.

C is correct. The supervisor's decision to allow five non-Native American employees to register for the training program after telling Naira that the class was full, along with his comment to Naira, suggest that he may have denied Naira access to the manager training program because she is Native American.

D is incorrect. The supervisor's conduct suggests that he may have discriminated against Naira because she is Native American when he refused to allow her to register for the manager training program. However, the supervisor's comment stereotyping Native Americans working on reservations is not sufficiently severe or frequent to constitute illegal harassment. To the extent this comment shows bias against Native-Americans, however, it may be further evidence that the supervisor refused to allow her into the training program for an unlawful reason.



8. Rosa spends her summers working on a fruit farm. The farm owner docks her pay whenever she is late for work, but allows Haitian workers to make up the time at the end of the day. Rosa believes the farm owner treats her differently because she is from Mexico. A friend tells Rosa to call the EEOC for help, but she is afraid because she is an undocumented worker. Can the EEOC help Rosa?

- A. No. Undocumented workers are not protected by United States anti-discrimination laws.
- B. No. The farm owner has a right to dock Rosa's pay if she is late for work.
- C. No. Rosa is only a seasonal employee, so she is not protected by the federal anti-discrimination laws.

D. Yes. Rosa may have been the victim of wage discrimination because of her national origin. EEOC can help Rosa even if she is an undocumented worker.

A is incorrect. Federal anti-discrimination laws prohibit discrimination against employees who work in the United States for covered employers, regardless of citizenship or work authorization.

B is incorrect. It is illegal for the farm owner to dock Rosa's pay if he is treating her differently because of her national origin, Mexican (or on some other characteristic covered by the anti-discrimination laws, such as her race or color).

C is incorrect. Federal law protects full-time, part-time, seasonal, and temporary employees from employment discrimination if they work for a covered employer. Most employers with at least 15 employees are covered by the federal anti-discrimination laws.

D is correct because federal anti-discrimination laws protect all employees who work in the United States for covered employers, regardless of their citizenship or work authorization. EEOC will investigate Rosa's claim to determine how the employer treats other employees who are late. Nonetheless, the law may limit the damages available to Rosa if discrimination is found because she is undocumented.



9. Amardeep, who is Sikh, wears a turban as required by his religion. His supervisor tells him that his turban makes his co-workers "uncomfortable" and asks him to remove it. The supervisor also claims that employees are not allowed to wear hats or other head coverings at work. What should Amardeep do?

A. Amardeep should remove the turban so he doesn't make his co-workers uncomfortable.

B. Amardeep should explain to his supervisor that he wears the turban as part of his religious beliefs. Amardeep also should ask his employer to make an exception to the “no hats” rule so that he may wear his turban.

C. Amardeep should remove the turban because his supervisor is trying to protect him from harassment by his co-workers.

D. Amardeep should remove the turban immediately because his employer doesn't allow anyone to wear hats or other head coverings at work.

A is incorrect. The fact that Amardeep's co-workers are uncomfortable is not a good enough reason for his employer to refuse his request to wear the turban at work because of his religious beliefs.

B is correct. If Amardeep wants a religious accommodation, he has a responsibility to explain to his employer that the reason he is asking for an exception to the “no hats” rule is so that he can observe his religion.

C is incorrect. Amardeep's employer must allow him to wear the turban as an accommodation for his religious beliefs, unless granting the request would be too costly or disruptive. For example, if the “no hats” rule was based on safety concerns that workers would be injured by a hat caught in moving machinery parts, the employer may not be required to grant the request. The employer also must protect Amardeep from being harassed at work because he wears the turban as part of his religious beliefs.

D is incorrect. Employers must agree to reasonable changes to workplace rules in order to allow an employee to observe his religious beliefs, unless it would be too costly or disruptive to do so.



10. Juanita recently graduated from high school and began work as a shift manager at a retail store that specializes in clothing for juniors. She does not get along with an older employee (age 45) who works part-time. At one staff meeting, Juanita gave the older employee a cane as a joke. On another occasion, Juanita told the older employee to take the afternoon off and go home to take a nap. Juanita regularly refers to this older employee as "Grandma."

After several months, Juanita decides to fire the older employee because she wants to hire someone younger. Juanita believes a younger employee will relate better to the store's teen customers. Is this conduct illegal?

- A. **Yes. Federal law protects workers age 40 or older from job discrimination and harassment based on their age.**
- B. No. The federal age discrimination law does not apply to teenage workers, so it is not illegal for Juanita to fire the older employee.
- C. No. As a manager, Juanita has the authority to make decisions about hiring and firing employees.
- D. No. Juanita did not discriminate against the older employee because it is important for a retail store that markets to teenagers to hire workers who are the same age as its customers.

A is correct. It is unlawful to discriminate against or harass employees who are 40 or older because of their age.

B. is incorrect. Federal law does not protect teenage workers from age discrimination in employment. However, it is illegal for managers, supervisors and co-workers, including teenagers, to discriminate against or harass older employees (age 40 and above) because of their age.

C is incorrect. Although Juanita may be responsible for making decisions about who to hire and fire, it is against the law for her to fire someone age 40 or older because she thinks the person is too old.

D is incorrect. There is no indication that the older employee cannot perform her job, including helping the store's teenage customers. Juanita does not have any complaints about the older employee's performance. Juanita's decision appears to be based on stereotypes about older workers and, therefore, is a violation of federal law.

FUN FACT: Federal law prohibits age discrimination against workers age 40 or older. However, some state or local laws protect workers younger than 40 from age discrimination. Does your state or locality protect younger workers from age discrimination at work? Research and find out!

11. Jamal, a cashier at a retail store, asks his Store Manager to order special equipment for the cash register because he has low vision and cannot see the number keys. The Store Manager agrees to Jamal's request and orders the special equipment. Later that day, the Store Manager tells one of Jamal's co-workers about the special equipment she ordered because Jamal has trouble seeing the number keys on the cash register. The co-worker is surprised and says she didn't know that Jamal was "blind as a bat." The next day, Jamal's co-workers call him Batman and flap their arms and squint when they see him. Jamal complains to the Store Manager about this behavior, and she immediately corrects the problem. Jamal's co-workers do not make any more comments about his vision. Did the Store Manager respond correctly to Jamal's requests?



- A. No. The Store Manager should not have granted Jamal's request for the special equipment because Jamal did not put his request in writing.
- B. Yes. The Store Manager responded correctly to Jamal's request for special equipment because of his low vision. She also acted quickly to stop his co-workers from harassing him. The Store Manager had a responsibility to tell the co-worker about Jamal's disability so the co-worker would understand why Jamal was using special equipment on the cash register.

C. No. The Store Manager responded correctly to Jamal's request for special equipment due to his low vision and to his complaint about co-worker harassment, but she should not have discussed Jamal's disability or need for special equipment with his co-workers.

D. Yes. The Store Manager was acting in Jamal's best interest when she helped him obtain special equipment for the cash register, mentioned his disability to a co-worker, and stopped the co-workers from teasing him. The Store Manager thinks Jamal is a good employee and was only trying to protect him.

A is incorrect. If Jamal needs an accommodation, or change in the workplace because of his disability, he does not have to make the request in writing. Making the request in person—as Jamal did in this example—is fine. Regardless of how he makes the request, Jamal must provide enough information so his employer can decide how to help him.

B is incorrect. The law requires that the Store Manager keep Jamal's medical information private, with very limited exceptions. There is no exception in the law that permits sharing medical information with co-workers. Therefore, the Store Manager should not have discussed Jamal's disability with his co-workers.

C is correct. The Store Manger handled Jamal's request for an accommodation, or workplace change because of his disability, correctly. She also handled Jamal's complaint about co-worker harassment correctly. However, the Store Manager is required to keep Jamal's medical information private, with very limited exceptions. There is no exception in the law that permits sharing medical information with co-workers. Therefore, the Store Manager should not have discussed Jamal's disability with his co-workers.

D is incorrect. Although the Store Manager may have had Jamal's best interests in mind, she should not have discussed his medical information with a co-worker. The law requires that the Store Manager keep Jamal's medical information private, with very limited exceptions. There is no exception in the law that permits sharing

medical information with co-workers. Therefore, the Store Manager should not have discussed Jamal's disability with his co-workers.



12. Maria applies to work as a summer intern at a radio station. The interview goes well. A Human Resources employee conducts a background check, which includes an Internet search of Maria's name. Maria's Facebook page appears in the Internet search results. The Facebook page, which is available for public viewing,

features a picture of Maria standing next to a mile marker in a T-shirt imprinted with "My Aunt is My Hero" and a pink ribbon. Touched, the Human Resources employee conducts an Internet search for Maria's name and "breast cancer" and learns that Maria's aunt was diagnosed with breast cancer but is responding well to treatment. The Human Resources employee writes a note on the white board in his office: "Touch base with Maria: aunt's cancer treatment." The employee's sister was recently diagnosed with breast cancer, and he is interested in learning more about successful treatments. Maria is hired. Did the company discriminate against Maria?

- A. No. The company did not discriminate against Maria; it hired her as a summer intern.
- B. Yes. The company discriminated against Maria by viewing her Facebook page.
- C. Yes. The company discriminated against Maria by seeking out information about her aunt's breast cancer and posting a note in public about Maria and her aunt's cancer treatment.**
- D. No. The Human Resources employee should not have conducted the Internet search for Maria's name and "breast cancer" and should not have written "Touch base with Maria: aunt's cancer treatment" on his white board. However, the employee took these actions to help his sister, not to hurt Maria.

A is incorrect. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by publicly posting "Touch base with Maria: aunt's cancer treatment." The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example.

B is incorrect. Employers are allowed to use publicly available information, such as information available on Facebook pages, to make employment decisions, as long as they do not use the information to discriminate. For example, it would be illegal for the company to decide not to hire Maria after learning that her aunt has breast cancer out of fear that Maria would also develop breast cancer.

The law prohibits employers from seeking out genetic information (such as family medical history) of applicants or employees. However, the law does not prohibit employers from accidentally obtaining genetic information from commercially and publicly available sources, such as newspapers, magazines, and certain online sources. Here, it appears that the company accidentally obtained Maria's family medical history when it went to her public Facebook page. The company was not seeking Maria's genetic information, but accidentally discovered the information from a public web site that was not likely to contain genetic information. Therefore, the company did not violate the law.

C is correct. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by publicly posting "Touch base with Maria: aunt's cancer treatment." The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example.

D is incorrect. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by

publicly posting “Touch base with Maria: aunt’s cancer treatment.” The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example. The fact that the employee intended to use this information to help his sister, and not to discriminate against Maria, is not relevant.

13. Daniel filed a charge of discrimination against the company he worked for last summer – a swimming pool supply and service company. As part of the investigation, an EEOC investigator spoke to one of Daniel’s co-workers, Brian, who agreed that the supervisor treated Daniel unfairly. As a result of the EEOC investigation, the supervisor called both Daniel and Brian at home and yelled at them for talking to the EEOC. The supervisor also gave them negative references. Prior to the EEOC investigation, the supervisor had no complaints about Daniel or Brian’s job performance. Did the supervisor violate the law?



- A. Yes. The supervisor illegally retaliated against Daniel by giving him a negative reference because he filed a charge of discrimination with the EEOC. It was also illegal for the supervisor to give Brian a negative reference because Brian participated in the EEOC investigation.**
- B. No. It was reasonable for the supervisor to yell at Daniel and Brian and give them negative references because the EEOC investigation was disruptive to the workplace.
- C. No. The supervisor did not violate the law because he called Daniel and Brian at their homes, and not at work.
- D. No. Federal law only protects current employees from discrimination. Because Daniel and Brian were no longer employed by the company when they spoke to the EEOC, it was

A is correct. You are protected from retaliation, or being punished, treated differently, or harassed, for complaining about job discrimination, filing a charge of discrimination, or cooperating with an investigation about discrimination. This is true even if it turns out that the conduct you complained about to the EEOC was not illegal.

B is incorrect. It is illegal for the supervisor to harass or treat Daniel differently because he filed a charge of employment discrimination with the EEOC. Brian is also protected from harassment or different treatment because he spoke to an EEOC investigator. This is true even if the EEOC concludes that there was no discrimination.

C is incorrect. It is illegal for the supervisor to harass or treat Daniel and Brian differently because they filed a charge of discrimination or participated in an investigation of discrimination. The fact that the supervisor contacted them at home is not relevant.

D is incorrect. Federal law protects applicants, employees, and former employees from retaliation. Therefore, it was illegal for the supervisor to harass Daniel and Brian and give them negative references for filing a discrimination charge and assisting in an investigation of employment discrimination, even though they were no longer employed by the company.

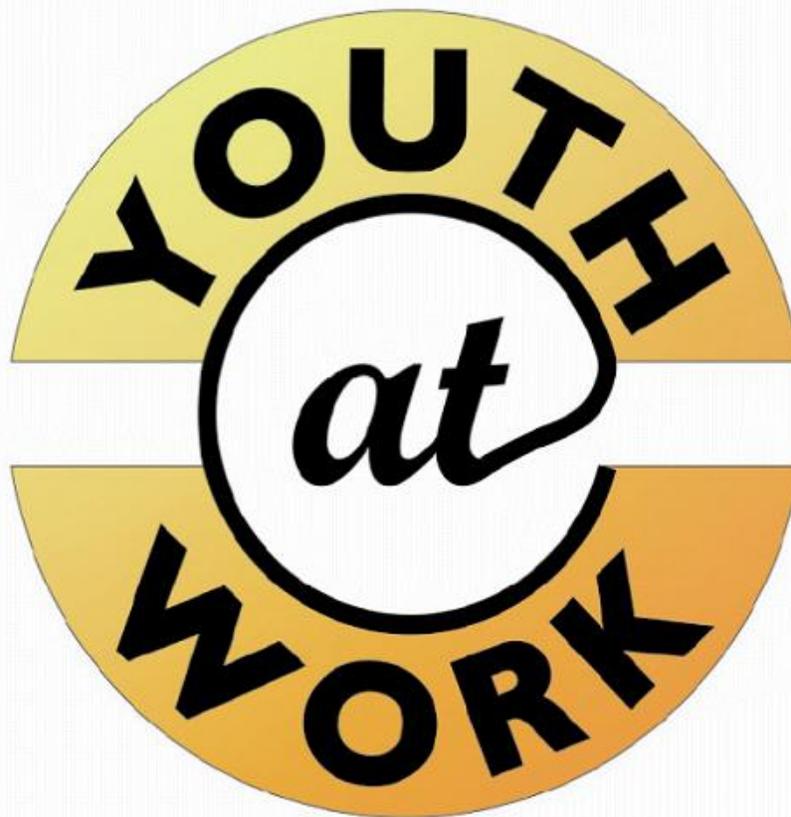


14. I am interested in learning more about the EEOC. I would also like to share information about student workers' rights and responsibilities with my friends. How can I do this?

- A. Visit the EEOC website at www.eeoc.gov for the latest information on the Commission, relevant laws, recent news and lawsuits, and more.
- B. Contact an editor or faculty advisor for your school newspaper and pitch an article idea about student workers and employment rights.
- C. Encourage your school to invite an EEOC representative to discuss students' rights and responsibilities on the job.
- D. All of the above.**

D is correct. All three of these ideas are great ways to learn more about your employment rights and responsibilities. The EEOC is eager to help you and your friends eliminate workplace discrimination. Visit <http://www.eeoc.gov/eeoc/outreach/coordinators.cfm> to find contact information for the EEOC employee in your area who can help arrange a school visit.

Research/Writing Assignment



U.S. Equal Employment Opportunity Commission
www.eeoc.gov
1-800-669-4000





Research/Writing Assignment

Select one of the following topics
and write a brief essay.

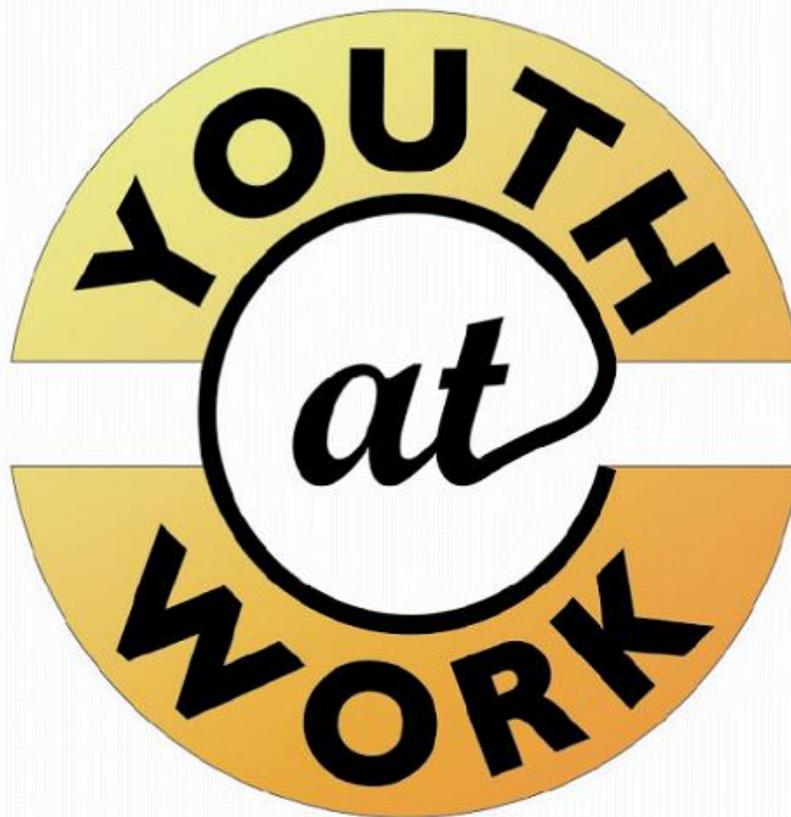


1. Federal law prohibits discrimination and harassment based on eight categories (race, skin color, religion, gender (including pregnancy), national origin, disability, age (40+) and genetic information). Research the local employment laws for your city, county or state. What categories does your local law cover?

Hint: First, visit <http://www.eeoc.gov/field/index.cfm> and select the EEOC office closest to your work, home or school. Then, select "State and Local Agencies" from the left menu. The website for the appropriate state and local agency should list all of the categories protected by that state or local law.

2. Explain why it is important for you to understand your workplace rights and responsibilities.

Exercise Internet Challenge



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EXERCISE Internet Challenge



PART 1 – YOUTH@WORK WEBSITE QUESTIONS

DIRECTIONS: Go to the EEOC Youth@Work website at <http://www.youth.eeoc.gov/>. Fill in the blanks below:

1. To “discriminate” against someone means to: _____

2. What does EEOC stand for?

3. What is the EEOC? _____

4. The following types of discrimination are prohibited by federal law:

_____, _____, _____,
_____, _____,
_____ and
_____.

5. You have a right to request reasonable accommodations or changes to your workplace because of your _____ or _____.

6. You have a right to keep any _____ you share with your employer private. Your employer should not discuss this information with others, unless they need to know this information. The laws enforced by the EEOC also strictly limit what an employer can ask you about your _____.

7. You have a right to _____ treatment that you believe is illegal job discrimination. It is illegal for your employer to _____, or _____ you if you report job discrimination or help someone else report job discrimination, even if it turns out the conduct was not illegal. The EEOC calls this your right to be protected from _____.

8. To learn more about your rights and responsibilities at work, you should (provide at least 1 answer):

9. How much money does the EEOC charge people for its services?

10. It is important for you to know about EEOC because (provide at least 1 answer):

PART 2 – THE CIVIL RIGHTS LAWS ENFORCED BY THE EEOC

DIRECTIONS: Using information from www.eeoc.gov, write a brief description of each of the following employment discrimination laws:

1) The Equal Pay Act of 1963

2) Title VII of the Civil Rights Act of 1964 (Title VII)

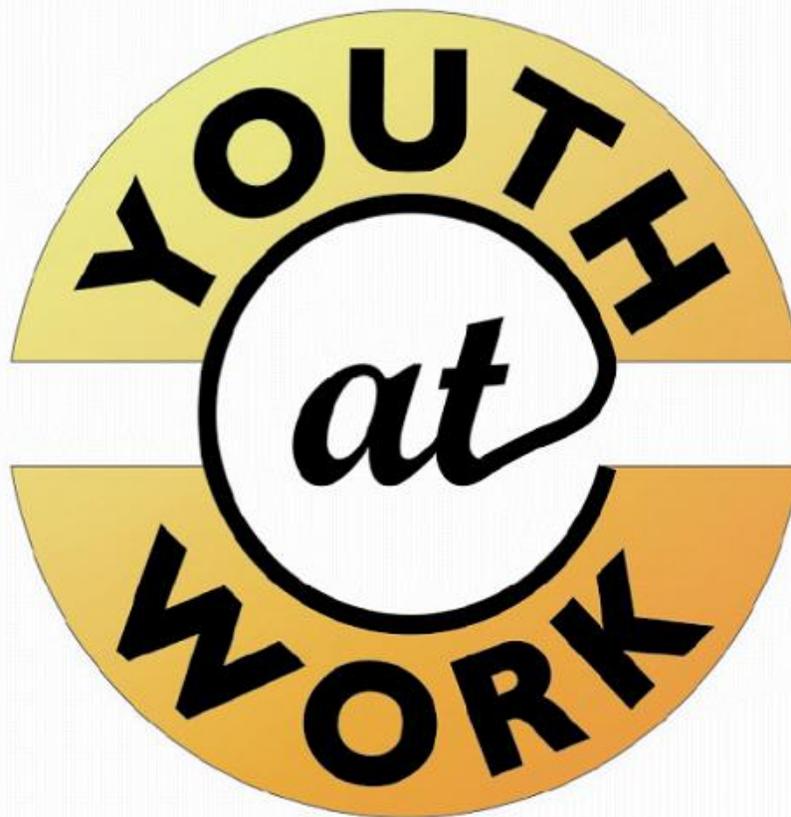
3) The Age Discrimination in Employment Act of 1967 (ADEA)

4) The Rehabilitation Act of 1973

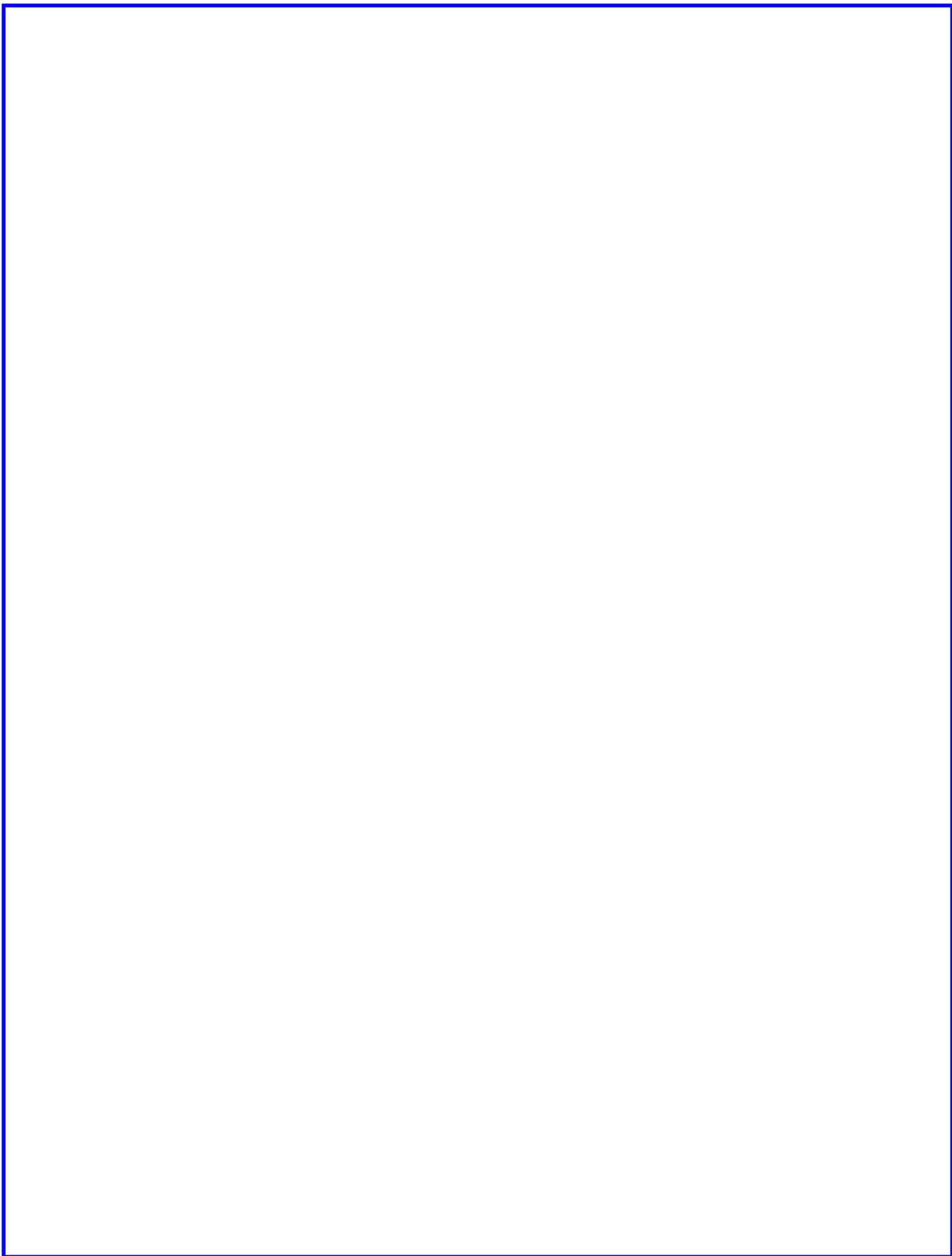
5) The Americans with Disabilities Act of 1990 (ADA)

6) The Genetic Information Nondiscrimination Act (GINA)

Employment Discrimination Vocabulary



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Youth@Work Employment Discrimination Vocabulary



The following chart provides an overview of commonly used equal employment opportunity terms and phrases. Additional information about these topics is available on the EEOC's website at www.eeoc.gov or the Youth@Work website at www.youth.eeoc.gov.

Age Discrimination

Treating a person who is forty or older differently, or less favorably, because of older age.

Age Discrimination in Employment Act (ADEA)

The federal law that prohibits discrimination and harassment in employment against a person who is age 40 or older because of older age. The law also prohibits retaliation. (See definitions of "discrimination," "harassment," and "retaliation," below).

Americans with Disabilities Act (ADA)

The federal law that prohibits discrimination and harassment in employment against persons with disabilities, and requires employers to provide "reasonable accommodations" to persons with disabilities, so long as the accommodation imposes no "undue hardship" on the employer. The ADA also prohibits retaliation.

The ADA only applies to private companies and state and local governments, not to the federal government. A separate law, the Rehabilitation Act, governs the federal government's treatment of persons with disabilities.

Charge of Discrimination

A "charge" is a formal, written, signed statement filed with EEOC by an individual who alleges a discriminatory employment action based on race, skin color, religion, sex [including pregnancy], national origin, age [age 40 and older], disability and/or genetic information.

Color Discrimination

Treating a person differently, or less favorably, based on his or her skin pigmentation (lightness or darkness of the skin), complexion, shade, or tone. Color discrimination can occur between persons of different races or ethnicities or between persons of the same race or ethnicity.

Disability

A physical or mental impairment that substantially limits one or more major life activity, such as hearing, seeing, speaking, walking, etc. An impairment that substantially limits a major bodily function, such as the immune system, respiratory, circulatory, endocrine, cardiovascular, etc. is also considered a disability.

Disability Discrimination

Treating a person differently because the person, or a friend, parent, or someone else the person associates with, has a disability, has a history of once having a disability, or is considered to have a disability.

Discrimination

Treating a person differently or less favorably because of a protected basis. The protected bases under EEOC-enforced federal laws are race, color, religion, sex (including pregnancy), national origin, age (age 40 or older), disability and genetic information.

EEOC

The U.S. Equal Employment Opportunity Commission is the federal agency that enforces the laws against job discrimination and harassment.

Equal Pay Act (EPA)

The federal law that makes it illegal to pay different wages to women and men if they perform substantially equal work in the same workplace. The law also prohibits retaliation.

Genetic Information Nondiscrimination Act (GINA)

The federal law that prohibits discrimination based on genetic information. GINA protects individuals who do not currently have an illness, disease or disorder, but who have the genetic predisposition to the disease or disorder. The law also prohibits retaliation.

Genetic Information

Information about an individual's genetic tests, the genetic tests of family members, or family medical history.

Harassment

Unwelcome conduct because of an employee's protected basis (such as race, sex, national origin, etc.). Workplace harassment is illegal if employment opportunities, such as promotions or continued employment, depend on the employee going along with the harassment, or the conduct creates a hostile work environment.

National Origin Discrimination

Treating a person differently, or less favorably, because the person, or the person's friend, parent, or someone else the person associates with, comes from a particular place, has a particular accent, or appears to have a particular ethnic background.

Pervasive

Occurs frequently.

Protected Basis

The protected bases under federal law are race, color, religion, sex (including pregnancy), national origin, age (age 40 or older), disability and genetic information.

Race Discrimination

Treating a person differently, or less favorably, because the person, or the person's friend, parent, or someone else the person associates with, belongs to a particular racial group.

Reasonable Accommodation (Disability)

An employer must reasonably accommodate a known disability of a qualified applicant or employee unless doing so would impose an undue hardship on the employer. A reasonable accommodation based on disability is an adjustment to the work environment or application process that permits a qualified individual with a disability to perform the essential functions of the job or to participate in the application process.

Religious Accommodation

An employer must reasonably accommodate an applicant or employee's sincerely held religious practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is an adjustment to the work schedule, environment, or application process (such as a schedule change for an employment test that conflicts with a religious holiday) that allows an employee to practice his or her religion.

The Rehabilitation Act of 1973 (Rehab Act)

The federal law that makes it illegal to discriminate against a person with a disability in the federal government.

Religious Discrimination

Treating a person differently, or less favorably, because the person, or the person's friend, parent, or someone else the person associates with, holds a particular religious belief (or non-belief).
Denying an individual a requested religious accommodation in the workplace when there is no undue hardship.

Retaliation

Punishing an employee, treating an employee differently, or harassing an employee because the employee complains about job discrimination or participates in a job discrimination investigation or complaint.

Severe

Very serious.

Sex Discrimination

Treating a person differently, or less favorably, because of the person's sex. Both women and men are protected from discrimination based on sex.

Sexual Harassment

Unwelcome conduct of a sexual nature in the workplace that directly or indirectly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Stereotype

A belief or assumption that people within a group have the same characteristics.

Title VII of the Civil Rights Act of 1964 (Title VII)

The federal law that prohibits employment discrimination and harassment on the basis of race, color, religion, sex, or national origin. The law also prohibits retaliation.

Youth@Work Initiative

An EEOC program designed to teach teens about their rights and responsibilities at work and to help employers create positive work experiences for young adults. Visit www.youth.eeoc.gov for more information.

Zero tolerance policies

Employer policies that prohibit inappropriate conduct, regardless of whether the conduct rises to the level of illegal discrimination or harassment.