

What is Title VII of the Civil Rights Act?

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We hear a lot about civil rights and nondiscrimination, and most HR professionals have at least a basic knowledge of employee nondiscrimination rights. But when it comes right down to it, what exactly is in Title VII? It's probably the most commonly referenced law relating to nondiscrimination in the workplace, so it's important to be familiar with it.

Title VII is one component of the Civil Rights Act of 1964. This particular section of the Act is the part that specifically prohibits discrimination against individuals on the basis of sex, race, color, national origin, or religion. Let's take a closer look.

To Whom Does Title VII Apply?

While nondiscrimination is a good policy for any organization, this law does not actually apply to every employer. In general, to be subject to Title VII of the Civil Rights Act, an employer must have 15 or more employees. It doesn't matter whether that employer is private or governmental (including state, federal, or local governments)—Title VII applies to them all. It also applies to both private and public colleges and universities, employment agencies, and labor organizations.

What Does Title VII of the Civil Rights Act Protect?

Title VII protections are not limited to discrimination, though that is the primary purpose. Discrimination is prohibited in any employment action, such as:

- Hiring
- Firing (including layoffs)
- Pay determinations
- Employee classification
- Promotions or project assignments
- Benefits, including (but not limited to) retirement, vacation, and bonuses
- Discipline
- Rights to use employee facilities
- Performance evaluations
- Access to training and development programs
- Any other term, condition, or benefit of employment

Prohibited discrimination can take many forms:

- It can be based on any characteristic associated with being a member of one of the protected classes.
- It can be based on stereotypes about these groups.
- It can even be based on being associated with a member of a protected class.
- It's important to note that Title VII applies not only to direct discrimination. It also applies to situations in which a policy is implemented that may seem neutral but has a disproportionate impact on members of one or more of the protected groups.
- Title VII also prohibits conduct that would constitute a hostile work environment for members

of one or more of the protected classes. This could include jokes, comments, or other forms of harassment.

Another aspect of Title VII is the protection against retaliation. As such, if an employee or applicant files a complaint under Title VII in good faith or participates in an investigation of such (brought by someone else), he or she is protected from retaliatory actions

(Note: as the law currently stands, sexual orientation is not included as a protected class. However, legislation has been introduced in recent years that could eventually change this.)

More Information: Title VII

All of the provisions under Title VII are enforced by the Equal Employment Opportunity Commission (EEOC). If an individual has a complaint, it must be filed with the EEOC for investigation. Complaints typically must be brought within 6 months of the offense.

If a complaint is filed, the EEOC will notify the employer and begin the investigation. Depending on what they find, they will determine the next course of action. This might be a mediation to determine an appropriate settlement, or they may initiate a federal lawsuit on your behalf. Alternatively, if they don't find grounds for the complaint, they may dismiss it after their investigation. Individuals whose charges are dismissed still have the option to sue in court on their own, if they wish.

****This article does not constitute legal advice. Always consult legal counsel with specific questions.****

About Bridget Miller:

Bridget Miller is a business consultant with a specialized MBA in International Economics and Management, which provides a unique perspective on business challenges. She's been working in the corporate world for over 15 years, with experience across multiple diverse departments including HR, sales, marketing, IT, commercial development, and training.