



Employment Law

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

StandWithUs SAID OFF
LAW

A row of white silhouettes of people holding up signs, positioned at the bottom of the page.

Employment Law

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964



Overview

Title VII is a federal law that prohibits employers in the U.S. with 15 or more employees from discriminating against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.¹ There are often state and local laws prohibiting employment discrimination that include additional protected classes and apply to a broader range of employers.²

1. Title VII does not apply to independent contractors, U.S. citizens who are working abroad for non-U.S.-controlled businesses, private membership clubs that are tax exempt, religious organizations, and foreign nationals who are working abroad for U.S.-controlled businesses. There are some states with local laws that provide some protections against employment discrimination for independent contractors.

2. For example, a West Palm Beach ordinance in the State of Florida prohibits employers with five or more employees from discriminating because of an individual's race, color, national origin, religion, sex, gender identity or expression, genetic information, sexual orientation, disability, marital status, familial status, or age.

Possible Title VII Claims

- » Disparate treatment: Disparate treatment occurs when an employer treats an employee differently because of his/her race, color, religion, sex, or national origin. For example, Title VII applies if an employer fires or refuses to hire or promote an employee because he/she is Jewish and/or Israeli.
- » Disparate impact: Disparate impact occurs when a neutral policy or practice disproportionately impacts employees in a protected class. For example, if an employer has a facially neutral policy prohibiting employees from discussing wars or conflicts abroad while at work, but the employer only applies that policy when Israeli and/or Jewish employees discuss the Israel-Hamas war. Such a policy, as applied, could violate Title VII.
- » Retaliation: Title VII prohibits an employer from retaliating against an employee from opposing any unlawful practice under Title VII. For example, if an employee files a charge of discrimination with the EEOC (discussed below) and the employer terminates the employee because he/she filed a charge of religious and/or national origin discrimination, that termination would be unlawful retaliation.



The Process for Seeking Relief

To bring a claim under Title VII, an employee must first file a document called a charge, which details the workplace discrimination or harassment he/she experienced with the Equal Employment Opportunity Commission (EEOC), a federal agency.³ Allegations of discrimination that are not raised in the charge with the EEOC could be barred from being included later in a complaint in court. Therefore, it is critical that the employee's charge filed with the EEOC is detailed and complete. If there are additional allegations that arise after the charge is filed, the employee can timely amend his/her charge to include those additional allegations.

The EEOC will investigate the allegations, and often the parties will mediate. Generally, the EEOC has about 180 days to investigate the charge. If mediation and other conciliation attempts are unsuccessful, or upon request, the EEOC will issue a Notice of Right to Sue letter. The employee has 90 days from his/her receipt of the Notice of Right to Sue letter to file a lawsuit under Title VII in state or federal court.

Remedies Available

Title VII provides for various remedies if an employer is found to have discriminated against an employee in violation of the law. State and local laws sometimes provide additional remedies.

Under Title VII, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, equitable relief, and injunctive relief are available and courts award damages based on the specific facts of each case. Compensatory damages compensate employees for out-of-pocket expenses caused by the discrimination and for emotional distress. Punitive damages may be awarded to punish an employer for malicious or reckless discrimination. There are caps limiting the amount of punitive and compensatory damages that can be awarded based on the size of the employer.

What To Do If You Believe You Have a Title VII Claim

There are a variety of steps and actions that can be taken in response to antisemitism in the workplace. The legal team at StandWithUs is happy to consult with you on the best next steps for you to respond to workplace antisemitism, including whether a Title VII complaint is advisable. Please contact legal@standwithus.com or fill out an intake form at www.standwithus.com/report-an-antisemitic-incident.

StandWithUs SAIDOFF
LAW

3. There are state and local agencies as well where employees can file a charge with and depending on if those agencies have an agreement in place with the EEOC (a workshare agreement), filing with the local agency could also count as filing with the EEOC (dual filing). It is beneficial for the employee to consult a local attorney early in the process to evaluate whether the employee wants to file with the EEOC and/or a state or local agency.