

Potential Remedies:

The remedies you can seek are reinstatement, lost and/or back wages, benefits, and in some cases, penalty money against the employer.

Where to File a Discrimination Complaint:

1. Equal Employment Opportunity Commission (EEOC)

The EEOC is the federal agency that handles employment discrimination claims.

CONTACT:

1-(800)-669-4000

<http://www.eeoc.gov>

2. Pennsylvania Human Relations Commission (PHRC)

The PHRC is the state agency that handles employment discrimination claims.

CONTACT:

Pittsburgh Region:

(412) 565-5395

<http://www.phrc.state.pa.us>

Harrisburg Region:

(717) 787-9784

<http://www.phrc.state.pa.us>

Philadelphia Region:

(215) 560-2496

<http://www.phrc.state.pa.us>

If you are unsure of which region you are in, visit <http://www.phrc.state.pa.us> for a list of designated counties.

REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

Pennsylvania Legal Aid Network, Inc.

118 Locust Street
Harrisburg, PA 17101
(800) 322-7572
www.PALegalAid.net

Informational pamphlets on other legal topics can be found at



Your Online Source for Legal Information
and Civil Legal Aid in Pennsylvania

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A Guide to Employment Discrimination

Public Information Pamphlet #33

What is employment discrimination?

How do I file a claim?

Will I get my job back?

**Pennsylvania
Legal Aid Network**

The Pennsylvania Legal Aid Network of civil legal aid programs
provides help for people who have no place else to turn



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■ EMPLOYMENT

DISCRIMINATION occurs when a current or former employer has taken an adverse employment action against you based on race, color, national origin, gender (including sexual harassment), religion, age (if over 40), disability, or sexual orientation (city of Pittsburgh only).

An adverse employment action could be termination, demotion, not getting a promotion, getting a decrease in pay, etc.

DISTINCTION:

Employment At-Will

vs.

Termination because of Discrimination

If there is no employment discrimination, an employee can be terminated for any reason or no reason at all. This includes termination for a bad attitude, the color shirt someone is wearing, not getting along with co-workers or a supervisor, or even if it is raining outside.

By the same token, an employee can quit at any time for any or no reason at all.

An employee is not required to give two weeks' notice prior to quitting.

Employment at-will is still the rule in Pennsylvania. An employee can only file a lawsuit for wrongful termination if it was for a discriminatory reason.

Filing a Claim for Employment Discrimination

Step One:

Before you may file a lawsuit against your employer in court, you must first file a complaint of discrimination with either the EEOC or PHRC.

You must file the complaint with either agency within 180 days of the adverse employment action.

If the agency with which you file believes your complaint would be better handled with the other agency, it will cross-file your complaint with the other agency.

Step Two:

Once you file a complaint of discrimination, the agency will assign an investigator to the claim. You and the employer will be asked to complete questionnaires, and the investigator may follow-up with phone calls or meetings to gather more information about the complaint.

The agency has the authority to mediate between you and the employer. If the agency cannot facilitate an agreement, then it will decide whether to file a lawsuit in court against the employer on your behalf.

Step Three:

If the agency decides to file a claim on your behalf, it will file a lawsuit against the employer. The agency will work with you during the legal proceedings.

If the agency decides not to file a lawsuit against the employer on your behalf, the agency will send you a "right-to-sue" letter. This letter gives you the authority to file a claim in federal or state court.

If you get a "right-to-sue" letter from the PHRC, you have two years to file a claim in court. If you get a "right-to-sue" letter from the EEOC, you will generally have 90 days from the date of the "right-to-sue" letter to file a claim in court. Failing to file a lawsuit on time will bar your opportunity to pursue a lawsuit against the employer for employment discrimination.

You may utilize your local bar association's lawyer referral service which will, for a fee, match you with an attorney for a half-hour consultation. If your county doesn't have a lawyer referral service, you can call the Pennsylvania Bar Association's Lawyer Referral Service at (800) 692-7375 or (717) 238-6807. Consultations provided by the PBA Lawyer Referral Service will cost \$30. To find out if your county has a referral service and how to contact them, visit <http://www.pabar.org/public/Membership/lrsblurb.asp>. You can also search for employment law attorneys in a phone directory.