



# **Women, Work & Sex Discrimination**



The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. Since 1973, CWEALF has utilized legal and public policy strategies and provided community education to promote gender equity and end sex discrimination at an individual as well as societal level. CWEALF provides an Information and Referral Service to respond to questions about family, employment and education law and make referrals to attorneys and other agencies to address these issues.

This booklet is intended to help individuals understand their legal rights. It contains a summary of significant state and federal laws that apply to both state and private employees. It includes a discussion of problem-solving steps to respond if some believes their rights have been violated.

This booklet is not a substitute for the personalized legal advice of an attorney. CWEALF makes referrals to attorneys who specialize in this area.

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## **Introduction**

Today, over half of all women have jobs outside of the home, yet they are still paid approximately 75 cents for every dollar a man makes. There are many reasons why women earn less. Traditionally, women have had access to only low paying jobs, such as clerical, sales, or service work. Certain jobs do not pay well historically because they have been held primarily by women. Women have often been paid less than men for the same type of work, and have had limited opportunities for job advancement. Women most often have the primary responsibilities for raising children and taking care of household needs. Because of these responsibilities and the absence of adequate support services such as childcare, women are often unable to work outside of the home as steadily as men throughout their lives, or to devote as much time and attention to wage earning jobs. But even when they do work as long or as steadily as men do, they often do not receive equal pay.

This booklet has two main goals: The first is educate women about their legal rights in the work place and how to address discrimination issues either through informal or formal measures. The second is to help employers understand their obligations under the law and how they can help create a more equitable workforce. This booklet reviews federal and Connecticut state laws that provide protection to employees and answers commonly asked questions about pregnancy and employee rights. It also discusses the legal options open to women who believe they are being discriminated against. If you have any questions or need an attorney referral, call the Connecticut Women's Education and Legal Fund's (CWEALF) Information and Referral Service toll free 1-800-479-2949 or in Greater Hartford 524-0601.

## **Facts about Working Women**

### Women in the Workforce: A Profile

- 25% of Connecticut households were headed by single women in 2011.
- Of the top 100 companies in Connecticut, 97% of the top three positions are held by men with only 3% of these positions held by women.
- Only 36% of Connecticut women over the age of 25 have a Bachelor's Degree or higher.
- Women make up 51.3% of Connecticut's population and 47.7% of the labor force.
- Eight-five percent (85%) of all single mothers participated in the labor force in 2011.
- Eleven percent (11%) of single mothers in Connecticut were unemployed, compared to 7% of single fathers in 2011. Greater educational attainment usually results in lower unemployment rates: women with less than a high school diploma—9.5 percent; with a high school diploma—8 percent; some college, no degree—6.0 percent; and bachelor's degree and higher—3.9 percent.

### **What do women earn?**

- Connecticut women earn 81 cents for every \$1.00 that men earn compared to the national average of 79 cents for every \$1.00 earned by white men. African American and Latina women earn \$0.62 and \$0.52, respectively, for every dollar that white men earn.
- In 2012, the national median weekly wage of union women was more than 32% higher than for non-union women. Black female union workers earned 30% more than Black female non-union workers. Hispanic female union workers earned 52% more than Hispanic non-union workers.

- In 2011, females who did not graduate from high school earned on average \$17,915 annually, while graduates earned \$26,112 on average annually.
- Women are over-represented in office (clerical) and service occupations with an average annual income of \$33,454 for office (clerical) jobs, and \$20,261 for service jobs.
- Women are under-represented in official and managerial occupations with average annual earnings of \$80,923 in 2011.

These statistics are taken from data and information available through the U.S. Census, the U.S. Bureau of Labor Statistics, and CT Magazine.

### **What is discrimination?**

Employment discrimination occurs when a person is denied rights, benefits, wages or opportunities because that person belongs to a certain group or because of a personal characteristic not related to their ability to do a job. Sex discrimination means being treated differently and unjustly because of your gender. Under state and federal law, it is illegal to discriminate on the basis of race, sex, color, religion, national origin, age, disability, and in Connecticut, marital status and sexual orientation.

Federal law applies to workplaces with 15 or more employees. Connecticut law applies to the state and its political subdivisions and all workplaces with 3 or more employees.

### **When and where does discrimination occur?**

Sex discrimination can happen at almost any time during the employment process, from the job advertisement to retirement and pensions. An employer, labor union or employment agency cannot discriminate against you in many areas, although there are some exceptions. The following examples are areas in which a person may not be discriminated against based on sex or other protected classes:

*Hiring:* classified advertisements; applications; interview procedures; referrals; and qualifications, including physical requirements

*Employment:* training; apprenticeships; wages; job assignments; facility assignments; titles; job duties; dress codes; grooming policies; uniforms; working conditions; disciplinary procedures; promotions; seniority; and tenure

*Fringe Benefits:* medical, hospital, accident and life insurance; retirement benefits; profit sharing and bonus plans; and leave

*Termination:* firing; lay-offs; severance pay; continuance of benefits; and any other terms or conditions of employment

It is important to know which discriminatory practices are prohibited by law and which practices are not prohibited. For example, laws protecting you against discrimination do not prevent an employer from refusing to hire you if you are genuinely not qualified for the position, or from firing you if you do not perform well on the job. Additionally, if it is determined that sex is a bona fide occupational qualification (BFOQ), then an employer, union, or agency employment practice may not be considered discriminatory. A bona fide occupational qualification is defined as one that is "reasonably necessary to the normal operation of an employer's business or enterprise." 29 C.F.R. § 1625.6. Only sex, religion, or national origin can be a BFOQ. (Example: a female modeling job.) The BFOQ exception is a narrow one and race is never a BFOQ.

Common examples of situations that DO NOT warrant the sex as a BFOQ exception: 29 C.F.R. § 1604.2.

- ◆ We tried a few females and they could not do the work.
- ◆ The work is too physical, dangerous or unpleasant for females.
- ◆ Male image desired.
- ◆ Our employees/clients/customers prefer working with males.
- ◆ There is more job turnover for women than men.
- ◆ Men are more capable of doing this type of work.

- ◆The employers would need to construct separate facilities or restrooms.
- ◆It is too expensive to determine who the few qualified females are.

You are the victim of sex discrimination if, just because you are a woman:

- ◆An employer refuses to let you file a job application but accepts others;
- ◆A union refuses to accept you into its membership;
- ◆A union or employment agency refuses to refer you to certain job openings;
- ◆You are not hired because of your marital status or because you are a parent;
- ◆You are required to dress a certain way or wear a certain uniform that the men in an equal position are not;
- ◆You are required to perform “stereotypical female duties” (e.g., getting coffee for your boss or traditional “women’s work” such as typing, filing, and phone answering) that the men in the same or equal position are not;
- ◆You are passed over for a promotion for which you are qualified;
- ◆You are paid less than others for substantially equal work;
- ◆You are left out of training or apprenticeship programs;
- ◆You are forced to work in a demeaning, humiliating environment where sexual gestures, leers, jokes or pictures interfere with your ability to work;
- ◆You are demoted, transferred, fired or laid off without a good, job-related reason;

- ◆ You are demoted, transferred, fired, laid off or are not hired because you are pregnant, even though you are able to work;
- ◆ You are demoted, transferred, fired, laid off or not promoted because you refuse to perform sexual favors;
- ◆ Your fringe or retirement benefits are less than those of men in equal positions.

This is not an exclusive list. If you believe you are being discriminated against because of your sex, but your particular situation is not listed here, call the Connecticut Women’s Education and Legal Fund’s (CWEALF) Information and Referral Service toll free 1-800-479-2949 or in Greater Hartford 860-524-0601, for more information.

You may also have remedies if any of these things happen to you because of your race, religion, age, national origin, disability, and in Connecticut, marital status and sexual orientation, as long as your place of employment has three or more employees.

## **What are your Rights?**

Federal and state laws prohibit discrimination in the workplace and offer protection against discriminatory practices. This section provides an overview of laws about discrimination and outlines your rights as an employee.

### **Federal Law**

*Constitutional Equal Protection –The 14th Amendment and 42 U.S.C. § 1983*

The Equal Protection Clause of the 14th Amendment forbids the government from discriminating on the basis of sex. Section 1983 of Title 42 of the federal laws makes it possible to sue state and local government entities, including school boards and police departments, for Equal Protection Clause violations in federal court. For example, a woman might sue a local police department under the 14th Amendment and § 1983 if she could show that she was not hired as a police officer because of her

sex. Under this law a victorious plaintiff may receive compensatory damages, punitive damages, attorney's fees and injunctive relief. However, a person cannot receive punitive damages from the government under this law. *Equal Pay Act of 1963, 29 U.S.C. § 206(d)*

Under this law, men and women at the same job who work under similar conditions must receive the same pay if the work requires equal skill, effort, and responsibility. There are certain exceptions written into the law: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or a differential that is based on any other factor other than sex. A difference in pay that is a result of one of the above exceptions can be legal. The United States Supreme Court, in *Corning Glass Works v. Brennan*, 417 U.S. 188 (1984) expanded the "equal work" definition. In *Corning Glass Works*, the court held that the Equal Pay Act is violated when two employees who do work that is "substantially equal" are paid different wages solely on the basis of sex.

*Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.*

Title VII prohibits sex discrimination (as well as discrimination based on race, color, religion and national origin) in all aspects of employment, including hiring, firing, wages, benefits, promotions, training and other terms and conditions of employment. This law applies to public and private employers, employment agencies and labor unions with 15 or more employees.

Because the prohibition against sex discrimination has been interpreted to prohibit sexual harassment as well as more typical unequal or discriminatory treatment, there is no separate statute prohibiting sexual harassment. Sexual harassment is included in Title VII and is further described in regulations issued by the Equal Employment Opportunities Commission (EEOC). CWEALF has a separate publication entitled *Sexual Harassment in the Workplace* and, therefore, it is not discussed in depth here.

Call CWEALF'S Information and Referral Program or visit our website at [www.cwealf.org](http://www.cwealf.org) to request a free copy.

In addition, Title VII protects an employee from retaliation by an employer, employment agency, or labor union against whom the employee has filed a complaint or grievance, or otherwise opposed an unlawful employment practice.

A person who suspects that he or she is the victim of unlawful sex discrimination must file a complaint with the state and federal agencies responsible for anti-discrimination law enforcement. In order to enforce the law, there are administrative procedures that must be observed. They are summarized starting on page 28.

*Pregnancy Discrimination Act (PDA) of 1978, 42 U.S.C. § 2000e (k)*

This Act amended Title VII to make it illegal for an employer, employment agency, or labor union to discriminate against a female employee on the basis of pregnancy, childbirth or related medical conditions. This law requires that employers permit leave for pregnancy or pregnancy-related conditions - the same length of time jobs are held open for employees on sick or disability leave. It does not require employers to provide paid leave or paid disability leave. However, it requires that the employer give the same benefits afforded "to other persons not so affected but similar in their ability or inability to work." Leave for childbirth covered under the Pregnancy Discrimination Act is not the same as "maternity leave" or "parental leave," that is, leave to stay at home and care for a newborn or adopted child. While it is related, such "childrearing leave" is covered under a different law, the Family and Medical Leave Act, which is discussed later.

*Civil Rights Reform Act of 1991, 42 U.S.C. § 1981a*

Amending Title VII, the Civil Rights Act of 1991 expanded certain rights of employees who are subjected to discrimination in the workplace, including sex discrimination. One of the most significant provisions of the Act allows victims of discrimination

to recover “compensatory” and “punitive” damages. Compensatory damages are monetary damages paid for pain and suffering caused by the defendant’s actions. Punitive damages are monetary damages levied against an employer as punishment if the employee proves that the employer acted with “malice or reckless indifference” when carrying out the discriminatory act. This form of damages cannot be collected against the government itself, a government agency or a political subdivision. The law does place limits on the amount of compensatory or punitive damages that an employee may recover. This maximum amount varies depending upon the size of the business.

The person bringing suit also has the right to ask for a jury in any case where compensatory or punitive damages are being sought. However, the jury cannot be told the maximum amount of damages that are available.

Another part of the Civil Rights Act of 1991 is known as the “Glass Ceiling Act of 1991,” and is codified as 42 U.S.C. § 2000e. This section acknowledges that women and minorities are still underrepresented in the employment world, especially in the area of management and decision-making. The Act set up a Commission to study this problem and find ways to encourage employers and give specific guidance on how to improve access to women and minorities. The Commission issued a lengthy and thorough report entitled *A Report on the Glass Ceiling Initiative*, summarizing the extent of the problem and recommending necessary steps to “break” the glass ceiling. Copies of this report are available from the Women’s Bureau of the U.S. Department of Labor. (See Resources.)

#### *Executive Order No. 11246*

This order was issued by President Johnson in 1965 and amended four times. It requires most federal contractors and subcontractors to take specific steps to ensure nondiscriminatory hiring and personnel policies. It also forbids these federal contractors from discriminating against employees and applicants on the basis of color, religion, sex and national

origin. Because of recent United States Supreme Court decisions cutting back “set-aside programs” and other affirmative action efforts authorized under this Executive Order (as well as Executive Order No. 11478, which is discussed below) and other statutes, the scope of these executive orders and of “affirmative action” generally is still unclear.

#### *Executive Order No. 11478*

This order was issued by President Nixon and has since seen numerous amendments. The order sets up an affirmative action program and pledges equal opportunity employment within the federal government. It was later codified as the Anti-Discrimination in Federal Employment Act, 5 U.S.C. § 7201 et. seq. which legislated equal employment opportunities within the federal government.

#### *Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 of 1993*

The federal Family and Medical Leave Act of 1993 allows both men and women to take up to 12 weeks as unpaid leave per year for the birth or adoption of a child or to attend to a serious illness of the employee or member of the employee’s immediate family (spouse, child, or parent). The law only applies to employers with 50 or more employees within a 75 mile radius and includes federal, state, and local government as well as for-profit and non-profit organizations. To be eligible, an employee must have worked there for at least 12 months, and in the 12 months preceding the leave, worked at least 1,250 hours.

The law has several limitations and is very complex, particularly as it interrelates with Connecticut’s own Family and Medical Leave Act. CWEALF publishes a booklet entitled Pregnancy, Family and Medical Leave which goes further in depth about these laws. To request a free copy please call CWEALF’s Information and Referral Service.

### **Connecticut Law**

*State Equal Rights Amendment, Conn. Const. Art. 1 § 20 amended by Art. V.*

In 1974, Connecticut amended the Equal Protection Clause of the Connecticut Constitution to include sex as a protected class. It now states that:

“No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or mental or physical disability.” “Physical or mental disability” was added to the Connecticut constitution as an amendment in article XXI adopted November 28, 1984.

*Human Rights and Opportunities Statutes, C.G.S. § 46a-60 et seq.*

These laws cover many different aspects of employment. They apply to both public and private employers, as well as employment agencies and labor unions. While Title VII, the federal anti-discrimination law applies to employers with 15 or more employees, the Connecticut state law prohibiting discrimination applies to employers with 3 or more employees.

The section that applies to employers states that it is a discriminatory practice for an employer:

“...except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions, or privileges, of employment because of the individual’s race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, or physical disability...” C.G.S. § 46a-60(a)(1).

Employment agencies are covered by § 46a-60(a)(2), which states that they cannot “fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual...because of ... sex...” C.G.S. § 46a-60(a)(2).

Another provision applies to labor unions. They cannot, “...because of sex...exclude from full membership rights or expel from its membership such individual or to discriminate in

any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification.” C.G.S. § 46a-60(a)(3).

Other provisions of the law include protection from:

**Sexual harassment:** Employers, employment agencies and labor organizations are prevented from harassing any employee on the basis of sex or gender identity or expression. C.G.S. § 46a-60(a)(8).

**Pregnancy discrimination:** Discrimination against an employee because she is pregnant is prohibited. The law also requires that employers grant “reasonable leave of absence for disability resulting from her pregnancy.” C.G.S. § 46a-60(a)(7).

**Hazardous materials:** Employers are required to take reasonable measures to protect workers from workplace exposure to hazardous substances that may cause birth defects or damage a worker’s reproductive system. C.G.S. § 46a-60(a)(10).

**Invasion of privacy:** Employers cannot request information from an employee or prospective employee regarding “the individual’s child bearing age or plans, pregnancy, function of the individual’s reproductive system, use of birth control methods, or the individual’s familial responsibilities, unless such information is related to a bona fide occupational qualification or need...” C.G.S. § 46a-60(a)(9).

**Discriminatory job advertisements:** Classified ads that restrict employment in a discriminatory manner, such as dividing up jobs as “men’s jobs” and “women’s jobs” are prohibited. C.G.S. § 46a-60(a)(6).

**Retaliation:** No employer, labor union or employment agency can discharge, expel or otherwise discriminate against a person because that individual has opposed any discriminatory employment practice or filed a complaint or testified or assisted in any proceeding concerning employment discrimination. C.G.S. § 46a-60(a)(4).

Compliance of co-worker or employer: No employer or employee can aid, abet, incite, compel or coerce the doing of an act declared to be a discriminatory employment practice or attempt to do so. C.G.S. § 46a-60(5)(a).

Sexual orientation discrimination: This section provides protection from discriminatory employment practices based on one's sexual orientation or civil union status. C.G.S. § 46a-81(c).

The statute also created the Connecticut Commission on Human Rights and Opportunities (CHRO) which is the state agency responsible for enforcing anti-discrimination laws.

### *Reproductive Health Hazards*

Connecticut law requires that employers inform current and prospective employees of hazardous substances, used or produced by the employer, which the employer should know, are hazardous to a worker's developing fetus or reproductive system. C.G.S. § 31-40g; see also C.G.S. § 46a-60(a)(10) on page 13.

### *Family and Medical Leave Act*

Connecticut has two different Leave Acts, one for state employees and one for private employees. C.G.S. § 31-51kk et seq.; C.G.S. § 5-248a et seq. These laws are discussed in detail in CWEALF's publication titled *Pregnancy, Family and Medical Leave*.

### *Displaced Homemakers Assistance Program*

Section 31-3g of Connecticut General Statutes provides for assistance through vocational counseling, education, job training, job placement, child care, transportation, information and referral. The program places an emphasis on women over the age of 35 and also takes into consideration a woman's financial resources, skills, and geographic location. C.G.S. § 31-3g.

## **Your Rights: Step by Step Through your Employment Experience**

### Pre-Employment Practices

#### *Job Descriptions and Classified Advertisements*

It is illegal for an employer to design jobs to fit sex-based stereotypes, their personal preferences, or the preferences of co-workers, clients, or customers. Jobs cannot be classified as “men’s jobs” or “women’s jobs” or indicate a preference based on sex in help-wanted advertisements, unless sex is a bona fide occupational qualification (BFOQ), which is rare. See discussion of BFOQ on pages 4 & 5.

#### *Applications and Interviews*

There are certain areas of your private life that employers cannot ask you questions about unless it is necessary to determine your ability or qualifications. When you apply for a job, you should know what the interviewer can and cannot ask you.

The Equal Employment Opportunities Commission (EEOC), the federal agency in charge of enforcing the anti-discrimination statutes, issued a series of guidelines which recommend that “an employer should analyze every question to determine whether the information is really necessary to judge an applicant’s competence or qualification for the job in question. If the answer to a question tends to affect a group protected by Title VII differently than other applicants, and the question does not involve a BFOQ, the employer may be in violation of the law.” EEOC Guidelines on Sex Discrimination, 8 Lab. Re. Rep. (BNA) at 421:351. Employers cannot ask for information from prospective female employees that is not required of males. For example, an employer cannot ask you questions like: “Will you get pregnant and quit?”

Under Connecticut law, a prospective employer may not ask that you provide information about your childbearing age or plans, pregnancy, use of birth control, or familial responsibilities “unless that information is directly related to a BFOQ or need.”

C.G.S. § 46a-60(a)(9). Your employer or prospective employer should not ask you about your child care arrangements, or any other area of your personal life, unless it is a BFOQ. You do not have to answer such questions unless you are satisfied that the information is directly related to a BFOQ or need. If you are asked such a question, be diplomatic but firm.

Here are some sample questions and responses:

Q: "What child care arrangements have you made?"

A: "If your question about my children has to do with my ability to be at work on time, I have an excellent attendance record."

Q: "With children, won't it be a problem for you to make it to work when they are sick, have a snow day, or are on vacation?"

A: "As my past work history indicates, sickness, snow days, etc. have never caused a problem with my attendance at work."

Under EEOC regulations, employers cannot request certain "pre-employment procedures" of women that they do not require prospective male employees to undergo. An employer cannot have one method of exams for men and a different one for women. 29 C.F.R. § 1607.1 et seq. *Physical Requirements*

Employers can place certain height and weight restrictions on jobs as long as they are applied equally to both men and women and are necessary for the job. Employers can request that applicants take physical ability tests, as long as they are given to all applicants and are necessary to the job. According to EEOC guidelines, strength tests must be job-related and consistent with a business necessity if it disproportionately excludes women. If a selection procedure screens out women disproportionately, the employer must determine whether there is an equally effective alternative selection procedure that has less adverse impact and, if so, adopt the alternative procedure. Physical and written tests that consistently rule out women and are not job-related may be challenged as discriminatory.

In *Dothard v. Rawlinson*, 433 U.S. 321 (1977), a woman applied for a job at an Alabama correctional facility. A state

statute required that prospective employees be at least 5'2" tall and weigh at least 120 pounds. Rawlinson did not meet these criteria and brought suit against the facility. She alleged that the requirements discriminated against women because fewer women could meet the height and weight requirements. In order to defeat a claim of sex discrimination, the employer had to prove that the height and weight requirements were essential to job performance, i.e., they constitute a BFOQ. In this case, the Supreme Court concluded such requirements were not essential and requiring them, therefore, was a violation of Title VII of the Civil Rights Act. However, the Court did conclude that the likelihood that the inmates, who were predominately men with sexually violent criminal histories, would assault women guards and, thereby threaten the basic control of the penitentiary, did establish the basis for a BFOQ because sex was related to the guard's ability to do the job of maintaining prison security.

A similar case, *Berkman v. City of New York*, 580 F. Supp. 226, aff'd 705 F. 2d 584 (2nd Cir. 1983), dealt with the New York City firefighter's exam. The test required all applicants to take a physical exam, including running a mile and carrying a 100-plus pound "dummy" up a flight of stairs in the shortest time possible. The city claimed that the test was fair because it was an accurate judge of a person's stamina, even though it eliminated nearly all of the female applicants. The court did not agree. Acknowledging that it had an "adverse impact" upon women, it held that the test violated Title VII because it failed to prove that the testing correlated to the tasks firefighters actually performed.

### *Hiring Rules*

According to the EEOC, employers cannot have rules that forbid or limit the employment of women who are married or who have school-age children if those rules are not applied equally to men. Rules that prevent the hiring of unwed mothers are also illegal unless they are also applied to unwed fathers or can be shown to be a BFOQ. Compare *Chambers v. Omaha Girls Club*, 834 F. 2d 697 (1987)(finding that private girls' club "role model rule," which resulted in firing of pregnant unwed mother,

was a BFOQ). Nepotism rules may also be illegal if used in a way to discriminate or adversely affect women, but this is decided more on a case-by-case basis.

### *Employment Agencies*

Even employment agency practices are covered by the EEOC guidelines and Title VII. The recruiting and screening of job applicants must be done in a nondiscriminatory manner. An agency must ensure that its selection procedures are nondiscriminatory, regardless of whether those procedures are devised by it or by the employer for which it is recruiting. 29 C.F.R. 1607.10. .

### *Apprenticeships and Training Programs*

Many trade unions for skilled workers such as carpenters, machinists or electricians have apprenticeship programs that train people and help place them in entry-level jobs. In general, these programs must be open to men and women on an equal basis. However, because of federal and state affirmative action requirements, many unions actively recruit women and minority applicants.

### On the Job

#### *Equal Pay*

Since the passage of the federal Equal Pay Act of 1963, it has been illegal to pay women and men different wages for doing "substantially equal" work. However, an employer may pay one sex less than the other when the pay differential is based on seniority, merit, quality or quantity of production, or any other factor other than sex. The Equal Pay Act protects women against wage discrimination when they perform work requiring equal skill, effort, and responsibility under working conditions similar to work performed by men.

Some workers have argued for equal pay for jobs of "comparable worth." Under a "comparable worth" theory, employees would be entitled to equal pay for jobs that are not "substantially" equal but are of "comparable worth" to the employer. Proponents of "comparable worth" claim that it

responds to the undervaluation of jobs that women have traditionally held. Jobs such as nursing have generally paid substantially lower wages than jobs that men have traditionally held, such as engineering, and are of comparable worth to employers in terms of required education, skills and responsibility.

In general, federal courts are reluctant to accept the “comparable worth” theory as a means by which salaries can be objectively calculated. The first decision to accept the “comparable worth” theory was reversed on appeal. *American Federation of State County and Municipal Employees v. Washington*, 578 F. Supp. 846, rev’d 770 F. 2d 1401 (9th Cir. 1985). However, some state courts do favor this theory, and the U.S. Supreme Court has not yet ruled on the issue. .

#### *Workplace Duties and Policies*

Job classifications/assignments: Employers cannot segregate jobs on the basis of sex or keep sex-segregated seniority lists. In *Mitchell v. MidContinent Spring Co.*, 583 F.2d 275 (6th Cir. 1978), cert. denied, 441 U.S. 922 (1979), an employer attempted to keep women in the lowest paying jobs and did not allow women to transfer between shifts. This practice was found to violate Title VII.

Job titles: It is illegal for an employer to assign different job titles to employees who perform the same work solely because of their sex. It is also illegal to do this in order to pay one group of employees less. *Cox v. American Cast Iron Pipe Co*, 784 F.2d 1546 (11th Cir. 1986).

Working conditions: Working conditions must be substantially equal for members of both sexes, including restroom facilities. An employer cannot use the lack of a women’s restroom as a reason for not hiring women. Also, in some instances, if an employer does not provide separate facilities for women, they may also be guilty of discrimination.

Personnel policies: Employers are required to maintain gender-neutral workplace policies to avoid sex discrimination. This

includes dress codes, grooming policies, training programs and moonlighting. Employers cannot have a certain standard for members of one sex and a different standard for the other.

However, many courts have allowed different guidelines for personal appearance, (e.g., hair length) provided they are reasonable. Women cannot be forced to wear sexually suggestive clothing. They cannot be required to wear certain uniforms if the men that they work with are not. *Carroll v. Talman Fed. Savings & Loan Ass'n of Chicago*, 604 F.2d. 1028 (7th Cir. 1979), cert. denied, 445 U.S. 929 (1980).

The most definitive statement on this issue comes from *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). In *Price Waterhouse*, a female employee was up for a partnership in an accounting firm, along with a large number of men. Of all the employees nominated, she had brought in the most money and handled some of the firm's largest accounts. Her partnership was put on hold and later denied. When asked for the reasons, the committee listed her lack of interpersonal skills as the main reason, but also indicated that they thought Ms. Hopkins was not "feminine" enough. In fact, one of the executives suggested that "to improve her chances for partnership, she should walk more femininely, talk more femininely, dress more femininely, wear makeup, have her hair styled and wear jewelry." The United States Supreme Court held that there was sufficient evidence to show that the denial of Hopkins' partnership was in part because of her sex and sex stereotyping. Following *Price Waterhouse*, Congress acted to modify the Civil Rights Act to prevent the result that an employer could avoid liability for intentional discrimination in "mixed motive" cases if the employer could demonstrate that the same action would have been taken in the absence of the discriminatory motive.

**Labor Unions:** Labor unions are prohibited from discriminating in membership, job classification, or referrals. They are also prohibited from causing or attempting to cause an employer to discriminate. 42 U.S.C. § 2000e-2(c). Furthermore, it is unlawful for an employer or labor union to discriminate against any individual who has participated in an investigation,

proceeding, or hearing regarding unlawful employment practices or who has opposed illegal employment practices. 42 U.S.C. § 2000e-3(a).

### *Fringe Benefits*

Title VII of the Civil Rights Act and the Connecticut Human Rights and Opportunities Act prohibits sex discrimination in all of the “terms and conditions” of employment, including the provision of benefits. Benefits include such things as sick and disability leave, vacation, health insurance and retirement plans.

Insurance: If an employer provides insurance benefits, the law requires equal coverage for men and women. For instance, if men are given the opportunity to insure their spouses or dependents in their medical plans, then women must be given the same opportunity.

Health problems that only affect one sex, (e.g., uterine cancer), may not be excluded from coverage if the general health problem of cancer is ordinarily covered. Similarly, pregnancy and childbirth must be covered under the same terms as any other physical condition requiring medical care. Coverage for abortions may be legally excluded, unless the life of the mother is in danger. Yet any complications that a woman suffered from a voluntary abortion have to be covered by the policy on the same basis with other illnesses, even if the actual abortion itself is not.

In 1999, Connecticut passed “the pill bill” which requires that most individual and group health insurance policies cover prescription contraceptive methods. C.G.S.A. § 38a-530e. The statute does allow an exception for “qualified church-controlled organizations” who must provide written notification if they chose to exclude coverage of contraceptives. Also, in December 2000, the EEOC ruled that employers who do not cover contraceptives when they cover other “preventive treatments” (e.g., blood pressure medications) in their health plans violate Title VII. While this decision is not universal, and some health plans that do not cover preventive services at all may not be in violation of the law, EEOC’s and CT’s pill bill

make it easier for women seeking contraceptives covered by insurance.

### *Health Insurance Continuation*

Federal Law: In 1986, Congress passed the Consolidated Omnibus Budget Reconciliation Act (29 U.S.C. § 1161 et seq), known as COBRA, that gives employees the opportunity to continue their group health insurance upon termination of employment. Separated, divorced, or widowed spouses have the right to continue participation in the group health insurance plan provided by their spouse's employer for 18 months and in some cases for 36 months. You must pay the premiums yourself, unless the divorce settlement includes an agreement that your former spouse pay them for you. The federal law only applies to companies with 20 or more employees. Certain religious, state or municipal employers may not be covered.

In 1996, Congress passed the Health Insurance Portability and Accountability Act, 29 U.S.C. § 1181 et. seq., known as HIPPA. There are some provisions of HIPPA that are particularly relevant for women workers. For example, an employee who has previously had health insurance and changes employers, or whose employer changes insurance carriers, cannot be denied coverage because she has a past or current medical condition. Additionally, a woman who switches insurance while pregnant cannot be denied coverage by her new plan because she was pregnant at the time she joined the plan. Also, an employee cannot be denied coverage for a newborn baby or newly adopted child, even if the child has health problems. However, the employee must sign the baby up for coverage within 30 days of the birth or adoption and the condition must be one that is normally covered under the plan.

If an employer interferes with an employee's rights to health benefits, the employer could be violating both the Americans with Disabilities Act and/or the Employees Retirement Income Security Act, known as ERISA, which governs the provision of employee benefits. For example, an employer could violate the law by offering a woman who is returning to work after

childbirth and whose child has a medical condition, only part-time hours in order to prevent her from receiving insurance benefits and coverage for her child.

Connecticut Law: A 1987 Connecticut law extended the period that an employee or family member may continue group medical coverage. When an employee dies or is divorced, a surviving or former spouse or child may continue to buy coverage under the same group plan for 156 weeks. C.G.S.A. § 38a-551 et seq. This includes coverage under a group hospital, medical, or surgical insurance plan beyond the period when a former spouse or survivor would normally become ineligible. The Connecticut law only covers those employees that are not covered by the federal COBRA law.

Pension plans: Some employers offer pension plans or contributions to retirement accounts as part of their benefit packages. Employers are not required to offer pension plans but, just as with medical insurance, if this benefit is offered it must be offered to men and women equally. This has been a controversial issue because most insurance companies that provide these policies use sex-based actuarial tables. In the past, insurance companies often charged higher premiums to women for retirement plans or have paid women smaller monthly amounts when they retire because women as a group tend to live longer than men.

In 1983, a woman challenged her employer's retirement payment system and the United States Supreme Court held that such practice was illegal sex discrimination. *Arizona Governing Committee v. Norris*, 463 U.S. 1073(1983). Employers could no longer follow the insurance industry's practice of providing lower retirement payments to women than men solely because women live longer than men. The Court held that "classification of employees on the basis of sex is no more permissible at the pay-out stage of a retirement plan than at the pay-in stage." *Id.* at 1082. This means that men and women must be given the same opportunity to participate in the same pension plans under the same conditions and to receive equal monthly payments

when they retire. This decision affects only employer-sponsored plans and does not cover private plans.

### *Other benefits*

**Profit Sharing:** Policies that allow employees to share in the company's profits must be gender-neutral.

**Retirement age:** Employers cannot have retirement plans that provide different retirement ages for men and women.

**Death benefits:** Surviving spouses must have equal access to payment and pension plans regardless of the gender of their spouse.

**Leave:** If an employer offers paid or unpaid disability leave, it must be equally available to men and women. This means that if the disability is one that affects only one sex, such as prostate cancer or pregnancy, the leave must be provided on an equal basis.

## **Loss of a Job**

Acts of sex discrimination often result in the loss of the job by the employee. There are three ways to lose a job, and each one has different consequences on the worker's ability to collect unemployment benefits or file a complaint for illegal termination.

### *Lay-off*

If a worker is laid-off and is seeking work, she can collect unemployment benefits. Being "laid-off" means that the employer eliminates the position and does not hire someone to take the former employee's place.

Unless you belong to a union, there is little that you can do to protest a lay-off as long as your employer is legitimately reducing or reorganizing the workforce. But lay-offs affecting only jobs that are held by women may be challenged as discriminatory and illegal. In order to make such a challenge, a worker must show that the employer had no legitimate business reason for making particular lay-offs, but rather used lay-offs as a pretext for forcing women out of their jobs.

## *Termination*

The law concerning an employer's right to terminate or fire someone at will is very complicated. In general, an employer can fire an employee at any time, for any reason, except if the effort or purpose of the firing is against a law, to frustrate public policy or if the discharge is particularly malicious. An employer may not fire a worker because of her sex, nor can an employer fire a worker because she is pregnant. An employer may not fire someone who has properly filed a grievance, a sex discrimination complaint, or has otherwise opposed discrimination practices, because of those actions. This is called "retaliation" and it is against the law.

If a worker is terminated in Connecticut, she may collect unemployment compensation, unless she was fired for repeated willful misconduct or committed a felonious act. That is, a person may be denied unemployment compensation if she willfully disregards her employer's interests; deliberately violates workplace rules; deliberately disregards certain standards of behavior; or negligently disregards the employer's interests or her duties and obligations. If a worker feels that she has been terminated illegally or unfairly, she may file for unemployment compensation and request a hearing to determine whether she will receive benefits.

## *Quitting*

If a worker in Connecticut leaves suitable work voluntarily and without "good cause" attributable to the employer, then she cannot collect unemployment compensation.

In some cases it is possible to show that a particular work situation was so intolerable that it was necessary to leave the job. You might prove such a "constructive discharge" by showing, for instance, that you had to leave your job because your employer knew about and tolerated a sexually hostile work environment. Such "good cause" may make it possible to collect unemployment benefits. A worker who has quit her job may need to request a hearing with the unemployment office. In

some cases, it is helpful to consult with an attorney before the hearing.

## **Pregnancy Rights**

This section focuses very briefly on the rights of pregnant women in the workforce because CWEALF publishes a separate booklet on this topic called Pregnancy, Family and Medical Leave in Connecticut. Title VII, as amended in 1978 by the Pregnancy Discrimination Act, makes it illegal to discriminate on the basis of pregnancy, childbirth, or related medical conditions. 42 U.S.C. § 2000e(k). Connecticut law also contains specific provisions that protect pregnant women. See generally, C.G.S. § 46a-60(a)(7).

### *The Hiring Process*

Under Title VII, if you are able to work and are qualified for a job, an employer does not have the right to refuse to hire you just because you are pregnant. The employer may not choose to not hire you because you may be taking time off soon to have your baby. You are entitled to use whatever sick or disability leave is available to other temporarily disabled workers. Also, it is discriminatory to prohibit the hiring of unwed mothers in most cases.

### *Pregnancy Leave*

Under the Pregnancy Disability Act and Connecticut law, an employer must treat pregnancy as it would any other temporary disability. An employer cannot specify a set time that all pregnant employees must stop working. They cannot mandate that pregnant women remain on leave for a specific length of time, even if a woman chooses to return to work earlier than agreed. In fact, a woman can work until the day she gives birth if she so chooses and is physically capable of working. Also, under the Pregnancy Disability Act, an employer cannot refuse to reinstate an employee to her original job or to an equivalent position with equivalent pay and benefits unless the employer's situation has changed so much that it would be impossible for it to do so.

## *Hazardous Materials*

Under Connecticut law, an employer must make a “reasonable effort” to transfer a pregnant employee to an available temporary position if the woman’s current job is hazardous to either herself or the fetus, and the woman gives written notice to her employer of her pregnancy and her desire to be transferred. This applies to jobs involving toxic substances, as well as jobs which require physical activity which the pregnant worker is temporarily unable to do.

However, employers may not prohibit women from certain jobs that the employer fears will harm the employee’s reproductive systems if the employer does not do the same for men or if the policy cannot be justified by irrefutable objective evidence of an essentially scientific nature. The United States Supreme Court held in *United Auto Workers v. Johnson Controls*, 499 U.S. 187 (1991) that it was up to the parents to determine what was best for their future children, not the parent’s employers.

For more information on the Connecticut Family Medical Leave Act and the federal Family Medical Leave Act (FMLA) and on pregnancy rights in general, consult CWEALF’s publication entitled, *Pregnancy, Family and Medical Leave in Connecticut*.

## **Sexual Harassment**

This section focuses very briefly on sexual harassment because CWEALF has a separate booklet entitled *Sexual Harassment in the Workplace*. Sexual harassment is a form of illegal sex discrimination under Title VII and Connecticut law, C.G.S. § 46a-60(a)(8). Among other things, Title VII prohibits discrimination based on sex in the workplace. The EEOC issued guidelines in 1980 which defined sexual harassment as a form of illegal sex discrimination. Connecticut law specifically prohibits employers, employment agencies, and those acting for the employer from sexually harassing employees. The state statute defines sexual harassment as any unwelcome sexual advances or request for sexual favors or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. C.G.S. § 46a-60(a)(8).

There are two types of sexual harassment: quid pro quo harassment and hostile environment harassment. Quid pro quo harassment consists of direct threats to your job, security or benefits if you refuse to submit to sexual favors or advances from a superior. For example, it can occur when your supervisor or another person uses rejection of sexual contact as a basis for firing or not promoting you. Hostile environment sexual harassment is severe or pervasive, unwelcome sexual behavior that adversely affects a person's job performance. It may include sexual demands accompanied by threats, verbal remarks or suggestions, "dirty jokes," pinching, patting, hugging, squeezing, kissing, leering, or distributing or displaying pornographic material. See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986). It does not matter if the employee voluntarily participates in the activity, so long as the activity was "unwelcome." If these behaviors are widespread, or form a pattern, or one very serious event occurs, it could create a hostile workplace environment.

Recent court decisions make it clear that an effective policy against sexual harassment and an effective complaint procedure are important tools in eliminating sexual harassment. CWEALF's booklet *Sexual Harassment in the Workplace* outlines both the employee's and the employer's rights and responsibilities and provides useful guidance in this area.

## **How to Protect Your Rights**

If you suspect that you are the victim of sex discrimination, you can pursue a number of options. The circumstances surrounding the discrimination, your financial situation, and the remedy you want, will all affect what action you decide to take. If you are in a union, immediately check your union grievance deadline. If you are not in a union and your employer has an internal complaint procedure, check that deadline. Also check the deadline to file with the Connecticut Commission on Human Rights and Opportunities (CHRO). All of these deadlines are very strict and must be followed closely. They are summarized starting on page 33.

Then if possible, you may wish to discuss the problem with the appropriate supervisor. Next, file a complaint with the personnel office, and if you are a union worker, with the union. Finally, consider filing complaints with the CHRO and the Equal Employment Opportunity Commission (EEOC), the state and federal agencies responsible for enforcing anti-discrimination laws. Whatever course of action you choose, it is important to act quickly and keep everything in writing. Each option has its advantages and disadvantages. You must decide what is best for you, and you may wish to consult an attorney to assist you in weighing the options and provide you with legal advice.

### *Non-Legal Tactics*

If you are the victim of sex discrimination, first try to resolve the problem using informal measures, if possible. Some problems can be solved in this way. In addition, it can be helpful if you decide to file a formal complaint with the CHRO to show you made a good faith effort to correct the problem before filing the formal complaint. However, if your situation is not conducive to such measures, you may not have to go through internal measures before going to the CHRO.

Note: For a discussion on when to use a company grievance procedure for sexual harassment, please refer to CWEALF's booklet, *Sexual Harassment in the Workplace*.

## *Informal Measures*

Talk to the person discriminating against you.

Attempt to confront the person discriminating against you, if you feel it is safe. Let them know that their actions will not be tolerated. It is best if this can be done at the time of the harassment or discrimination. If it is necessary to confront the individual after the incident, do not do it alone. Have someone with you for support and to act as a witness. Be firm, and make it clear that you expect the discrimination to end.

If you are uncomfortable or frightened by a face-to-face confrontation, try practicing with a friend or in front of a mirror. Make a simple, two-part statement about:

- What behavior or action you object to; and
- What remedy or solution you would like.

For example:

"I don't like it when you make jokes about how I am dressed. Please stop."

"I don't think I have been treated fairly. Please tell me how you made the decision and whether you will reconsider it."

Write a letter to the person.

If face-to-face confrontation does not work or is not possible, you may write the person a letter. The letter should be straightforward and consist of two specific parts:

- A detailed description of the facts, including what happened, with dates.
- A description of what you would like to have happen next. (Examples: "I would like our relationship to be purely professional from now on." or "I would like you to withdraw my last evaluation and work out a way to evaluate me fairly.")

The letter should be delivered or mailed to the person you believe is discriminating against you. If it seems necessary,

bring a witness or a supporter with you. Keep a copy of this letter. If the discriminatory acts do not stop, you will have proof that you tried to resolve this matter informally.

This method can be useful because it allows a person to change his or her behavior without having to publicly acknowledge it. However, it has its risks as well. Sometimes it is helpful to inform another person of this problem in order to protect yourself if the discrimination continues or gets worse. In these cases, you may want to send a copy of the letter to a supervisor, personnel officer, or a neutral third party. If these options are difficult, contact your supervisor or the person named in the company's grievance procedure as the "complaint taker."

*Document everything.*

Note when and where the discrimination occurred, who discriminated against you, what happened, your response, and if there were any witnesses. Such documentation is extremely useful if you should later decide to file a complaint. Consider talking to other employees in your work area. If one person is being discriminated against, chances are that other employees are also being discriminated against. Not only will you gain support, but you will also gain additional information. A complaint becomes stronger with numbers.

Review your personnel file and job evaluations (this is a good work practice anyway). Get copies of anything that concerns your work performance. Connecticut law guarantees your right, upon written request, to see and get copies, at a reasonable cost, of anything in your personnel file. C.G.S. §§ 31-128b, 128g.

Note if there were any witnesses to the discriminatory act. If someone agrees to speak on your behalf, try to get that statement in writing.

If you get an unsatisfactory response from the supervisors, complain to the Personnel or Human Resources Department. Put your complaint in writing, keep a copy, and request a written reply. If you are complaining of sexual harassment, the

employer is only liable if he knew or should have known of the harassment. In the case of other sex discrimination, there is no similar notice requirement. The company is legally responsible to end such activities.

If at all possible, try to remain at your job. It provides leverage for resolution of your complaint.

### *Internal Complaints*

Most companies have a Personnel Department and a grievance procedure for employees who wish to file complaints. If you are unable to resolve your problem informally, you may consider filing an internal grievance. Using your company's internal grievance procedure shows that you have made an effort to work with your employer to resolve your complaint.

However, the complaint procedure within your company may be inadequate or you may have good reason to feel uncomfortable using it. If that is the case you can take your complaint directly to the CHRO. Remember that the deadlines for filing at CHRO, which are discussed later, are not stopped if you have filed an internal complaint or a union grievance. If the internal procedure is taking too long, you may have to file with CHRO in order not to miss their deadline.

Grievance procedures usually have specific rules and timetables. These procedures may be outlined in your company's personnel policy or handbook. It is important to follow the required steps carefully and not miss any deadlines.

Put your complaint in writing and send copies to the appropriate person or people in your company. Keep a written record of everything and retain a copy of all documents for yourself. Be specific in your complaint and request a written reply.

### *Union Grievance*

If you are a union member, you have the additional protection and support of your union. First, review your union contract. Even if your harasser is a union member, you may use your union grievance procedure. Discrimination on the basis of sex, as well as sexual harassment, may be a contract violation, in

addition to being a violation of state and federal law. Look for anti-discrimination and/or unfair treatment clauses in your contract and see what kind of grievance procedure exists.

If you decide to file a complaint with your union, be sure to check your contract for timetables. Contact your shop steward, union representative, or the union's women's caucus for help. Ask that she/he talk informally with the person involved. If this is unsuccessful, the shop steward should go to the management, inform them of the event and remind them of its illegality under state and federal law. You may want to consider a group grievance if other people are involved.

If the union steward is not sympathetic, approach the union's civil rights committee or other union officials. If you are not satisfied, check your union constitution and by-laws for an internal appeals procedure. As a last resort, and only with support from other co-workers, consider a complaint against your union based on "duty of fair representation."

## **Filing Complaints with the CHRO and EEOC**

### Deadlines

Claims alleging violation of state and/or federal law must generally be filed with the CHRO within 180 days of the discriminatory act, C.G.S. §46a-82(f). Courts have taken different views on when an act of discrimination occurs and thus when the 180-day period begins. In general, the date on which you knew or should have known that you were the victim of discrimination starts this time period. For example, suppose your supervisor tells you on January 1 that you will be fired on February 1. If you believe on January 1 that the decision to fire you is because you refused his unwelcome sexual proposition, the 180 days begins to run on January 1. Thus, you will have 180 days from January 1 to file your complaint with the CHRO. However, in a 2008 decision, the Connecticut Supreme Court held that the 180 day limitation period for filing a discrimination complaint under the Fair Employment Practices Act begins on the actual termination date, rather than on the date of notification.

*Vollemans v. Town of Wallingford*, 289 Conn. 57, 956 A. 2d 579 (Conn. 2008). In a hostile environment sexual harassment case, where there has been no tangible action, you must usually show that at least one act of harassment occurred within the 180 days before you filed your claim.

If you do not file your claim with the CHRO, and 180 days have passed since the act of sex discrimination, and your employer has 15 or more employees, then you can still file a complaint for violations of federal law. However, you must now file it with the EEOC within 300 days of the discriminatory act. If you do not file within this time period, you will lose your opportunity to sue your employer in federal court.

Because the time limitations for filing a complaint of discrimination are strictly adhered to, if you believe that you have been the victim of discrimination, you (or your attorney) should promptly file a complaint with the CHRO or EEOC according to the following procedure. Remember that the deadlines for filing at the CHRO, which was discussed above do not stop even if you have filed an internal complaint or a union grievance. So, if the internal procedure is taking too long, you may have to file with CHRO in order not to miss the CHRO deadline.

If your employer has more than 15 employees, you can dual file; that is, file with both the CHRO and the EEOC. If you file with one agency, you just need to tell them that you want your complaint "dual filed." This protects your rights under both state and federal law. Usually whichever agency you file with first will investigate your complaint. If you are not sure which agency you should file with first, or if you have missed the 180 day statute of limitations for filing under state law, you should consider talking to an attorney.

### No Retaliation

The law forbids retaliation against you by your employer for opposing discrimination or harassment or for participating in an investigation into a discrimination or sexual harassment or complaint. Retaliation means that your employer penalizes you

or further discriminates against you because you have filed a complaint or otherwise opposed a discriminatory employment practice.

For example, an employer cannot retaliate against you by changing your work assignment or hours, suddenly giving you a poor work evaluation for no apparent reason, or firing you. If this happens, contact the CHRO and add this to your complaint or file a new complaint.

In order to prove retaliation, a claimant must show:

- 1) she engaged in protected activity, by either opposing a practice made unlawful under the Connecticut Fair Employment Practices Act, by filing a complaint or by participating in an investigation or litigation of such a claim;
- 2) her employer was aware of her protected activity;
- 3) she suffered an adverse employment action; and
- 4) the protected activity caused the adverse employment action.

[Arnold v. Yale New Haven Hosp., 213 F.Supp.2d 142, 150 \(D.Conn.2002\)](#)

The laws that protect against retaliation do not just prohibit retaliation against an employee who files a complaint. For example, the law also protects employees who provide information about unlawful discrimination while being interviewed during an employer's internal investigation and employees who oppose discrimination or harassment by complaining internally. *Crawford v. Metropolitan Gov't of Nashville and Davidson County*, 129 S. Ct. 846 (2009); *Teri Tucker v. Journal Register East*, 2008 WL 4557590 (Verdict and Settlement Summary) (D. Conn. Jul. 23, 2008).

### The Filing Process

- Make your CHRO appointment for a date before the 180-day period as described above.
- Remember that 180 days is less than six months.

- When you go to the CHRO office, a complaint officer will interview you, and your complaint will be recorded in an affidavit. You must swear to the accuracy of the affidavit and sign it.
- The CHRO is required to provide notice to your employer within 20 days after you file your complaint of discrimination, or after you file an amended complaint. This means that a copy of your complaint will be delivered to your employer to notify it that you have contacted the CHRO, filed a complaint, and that the CHRO process has begun.
- After receiving notice, your employer will have 30 days in which to file an answer to your complaint.
- Your employer can request one 15-day extension of time in which to provide its answer. C.G.S. § 46a-83(a). If your employer does not answer your complaint after receiving notice, the CHRO can issue a default judgment against it. This means that a judgment will be issued against your employer because of their failure to respond to your complaint, C.G.S. § 46a-83(i); Conn. Regs. § 46a-54-46a(a) & (c). After a default judgment is entered, the case is transferred and a hearing in damages is scheduled, Conn. Regs. § 46a-54-46a(e). After your employer has submitted an answer, you will have an opportunity to reply to that answer as well as submit additional information. Your reply must be submitted with 15 days of receiving your employer's answer, Conn. Agencies Regs. § 46a-54-48a (b). You can ask for one 15-day extension.
- Within 90 days of the filing of your employer's answer to the complaint, the CHRO will review your file. Your file should include, at a minimum: the complaint, your employer's answer and responses to the commission's requests for information, if any, and your reply to the answer. This process is called merit assessment review (MAR).
- Your case will be dismissed at merit assessment if the CHRO determines that it fails to state a claim for relief,

is frivolous on its face, or there is no reasonable possibility that an investigation will result in a finding of reasonable cause. C.G.S. § 46a-83(b). If your complaint is dismissed at this stage, you can ask the CHRO for a notice of release of jurisdiction.

- If you do not ask for a release, CHRO legal counsel will review your complaint and decide the CHRO should take one of three actions: (1) reinstate your case for investigation; (2) send you a letter with a release so you can file a Superior Court lawsuit; or (3) investigate your complaint further. The CHRO will notify you of this decision within 60 days.

### Mandatory Mediation

If your complaint was not dismissed after the MAR or is reinstated by CHRO's legal counsel, the agency staff will require you and your employer to participate in mediation (settlement negotiations) within 60 days. Mediation may take place in person, via email, or by telephone, and may be one or more sessions. The mediator can recommend a settlement, but cannot order one.

You may receive a smaller settlement through mediation than what you might finally get if you decide to pursue further CHRO action or file a lawsuit and win your case. You should weigh what you could get now against what you might get from the CHRO or court in the future, as well as the costs of continuing forward with the case. The CHRO can dismiss your complaint if your employer eliminated the sexual harassment described in the complaint, has taken steps to prevent a similar future occurrence, and offered you full relief, if you refuse such settlement.

### What Happens if Mediation Fails?

If you and your employer do not settle your complaint in mediation, the CHRO will assign an investigator to your case to investigate your complaint further. The investigator will collect additional evidence from you and others, through witness

interviews and documents, he or she may require the parties and/or witnesses to answer written questions, called "interrogatories," and he or she may hold a fact-finding conference (a meeting where parties can present the facts and evidence in their case). The CHRO can order that people testify or documents be produced via a subpoena.

The CHRO can dismiss your complaint if you fail, without good cause, to attend a fact-finding conference or mandatory mediation conference after notification. If that occurs, you may subsequently request reconsideration of these dismissals.

The investigator may gather information in a variety of ways. The most common method is for the investigator to conduct a fact-finding conference. At the fact finding conference, the investigator will interview you, your witnesses, your employer's representatives, and other people at your workplace that the investigator determines are relevant to your complaint, including your supervisor and any other witness to the alleged discrimination. The investigator may also request that you and/or your employer bring certain documents to the conference.

Additionally, the investigator can require that your employer answer written questions known as interrogatories, which must be answered under oath. The investigator can issue a subpoena, which is a written order that requires people to testify or submit documents requested by the CHRO. An employer is required to provide information requested in interrogatories and to respond to subpoenas. A default judgment can be issued against your employer if it fails to comply with these requests.

At the conclusion of the investigation stage, the investigator reaches a finding of either reasonable cause or no reasonable cause. The legislature defined reasonable cause as a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe the facts alleged in the complaint. C.G.S. § 46a-83(c). Before the investigator issues a final decision, both you and your employer will have an opportunity to provide oral or written comments on

the investigator's proposed finding. The investigator will consider these comments in making the final decision. The investigator's finding must be in writing and must be issued no later than 190 days from the date that merit assessment was completed. (An investigator can request up to two three-month extensions for good cause.) C.G.S. § 46a-83(d)(1). If you receive a draft "no reasonable cause" finding and you are considering taking your case to court, you may want to ask for a release of jurisdiction IMMEDIATELY. This is because, once you receive a final "no cause" finding, you cannot ask for a release of jurisdiction and take the case to court. Your only rights will be to request reconsideration by the CHRO or seek to appeal the CHRO's findings in court.

### A Final Finding of No Reasonable Cause

A finding of no reasonable cause means that the investigator did not find enough evidence to support your complaint. If the investigator makes a finding of no reasonable cause, she/he must identify, in writing, the facts upon which the decision is based. A finding of no reasonable cause means that the CHRO has dismissed your complaint. However, you can request reconsideration of the investigator's decision. You must make your request no later than 15 days from the issuance of the decision. The CHRO should make a decision within 90 days of your request. C.G.S. § 46a-83(e). After the commission issues a finding of no reasonable cause or rejects a request for reconsideration, you may appeal that determination to the Connecticut Superior Court. If you are filing an appeal, it must be filed within 45 days in accordance with the procedure outlined in C.G.S. § 4-183.

At any time after the filing of your complaint, if you have not received a decision by the CHRO, you and your employer can agree to request a release, which allows you to bring your case in court. C.G.S. § 46a-101(b) Additionally, the law provides that, after your case has been pending with the CHRO for 80 days, you, but not your employer, can request a release. (See the section on filing in court.) If you choose to request a release

and file your claim in court, you will probably need the assistance of an attorney. CWEALF can refer you to an attorney.

### A Final Finding of Reasonable Cause

If the investigator finds reasonable cause, you have 20 days to decide whether to proceed with a hearing at the CHRO or file an action in court. If you decide to stay at the CHRO, the investigator must try to resolve your complaint and eliminate the discriminatory practice. They must do so within 50 days of issuing the reasonable cause finding. C.G.S. § 46a-83(f). This process is called conciliation. Some of the remedies discussed may include returning you to your job, awarding you back pay or advancing you to a new position. If the investigator cannot resolve your complaint by conciliation, the CHRO will proceed with a public hearing.

If your complaint is still pending at the CHRO more than two years after the date that you filed it, and the investigator has not issued a finding of reasonable cause or no reasonable cause, you or your employer can petition the Superior Court for an order that would require the CHRO to issue a decision within a certain time period. C.G.S. § 46a-82e(d)(1).

### The Public Hearing Process

If the investigator is unable to resolve the complaint within 50 days of the finding of reasonable cause, he/she must, within 10 days, certify the complaint and the results of the investigation. C.G.S. § 46a-84(a).

- Your case will now proceed to a public hearing at the CHRO.
- A hearing conference must be held within 45 days of the certification of the complaint. C.G.S. § 46a-84(b).
- The CHRO will choose a hearing officer and will hold a court-like proceeding. Your employer will be required to submit a new answer to the complaint, and can be defaulted for failure to file such an answer. C.G.S. § 46a-84(f). Likewise, a default

may enter if the employer fails to appear at the hearing. *Id.*

- The hearing will be a *de novo* review of the evidence, which means that the hearing officer will review all of the evidence and you will have to prove your case. Since the CHRO has determined that there is cause for your complaint, your case may be presented by an attorney from the CHRO.
- You are not required to hire an attorney for a public hearing, but if you wish to have a private attorney advise you, you will have to hire your own attorney. Again, CWEALF can refer you to an attorney who specializes in employment law.
- The hearing officer will review the evidence and issue a written decision containing findings of fact, conclusions of law and an appropriate order. If the hearing officer finds that the evidence does not support your complaint of discrimination, then he or she will order a dismissal of your complaint. If the hearing officer finds that the evidence supports your complaint, he or she will order your employer to end the discriminatory practices. The order may include an award of appropriate relief, such as reinstatement and back pay. However, it is not clear whether the law allows for awards of attorneys' fees or damages for emotional distress. See *Bridgeport Hosp. v. Commission on Human Rights and Opportunities*, 232 Conn. 91, 653 A.2d 782 (1995).

If you are dissatisfied with the final decision of the hearing officer, you may appeal the decision in Superior Court in accordance with C.G.S. §4-183. It is advisable to consult an attorney in order to bring an appeal. Again, CWEALF can refer you to an attorney.

### **Equal Employment Opportunity Commission (EEOC)**

The EEOC will not usually review a complaint until the CHRO completes its work. If the CHRO has not completed its review of your complaint within 60 days, you may ask the EEOC to begin

the federal investigation. If your complaint is not covered under state law, the EEOC has jurisdiction. Please be aware that the EEOC can take years to investigate these complaints.

## The Process

The process followed by the EEOC is similar to the process followed by the CHRO. In general, the steps are:

- Intake: You file your charge of discrimination. Once the complaint is filed, notice must be served upon your employer within 10 days. 29 C.F.R. § 1601.14(a)
- Investigation: The commission has 120 days from the time the charge is filed to complete its investigation. During the investigation, the EEOC can interview co-workers, use subpoenas and inspect the workplace.
- Reasonable Cause Determination: The EEOC will then decide, based upon its investigation, whether or not there was reasonable cause to believe that the discrimination has occurred. If the EEOC issues a finding of no reasonable cause, the employee will receive a letter of determination which will inform her of her right to sue in Federal District Court within 90 days of receipt of the letter of determination. 29 C.F.R. §1601.18-1601.19.
- Conciliation: If a reasonable cause finding is issued, the EEOC will meet with the employee and employer. An attempt is then made to reach an agreement and bring an end to the discriminatory practice. If an agreement is reached, the case is closed and neither side may re-open the case. 29 C.F.R. §1601.24.
- Notice of Right to Sue: Under federal law, you may bring a private lawsuit against your employer with your own attorney in federal court. You must receive a right to sue letter from the EEOC in order to bring the federal suit. You must file your federal lawsuit within 90 days of receiving the right to sue letter. If the EEOC dismisses your claim, you will automatically receive a right to sue letter. Therefore, if your case has not been dismissed

and 180 days have passed since you filed with the EEOC, you may request a right to sue letter. Once you have received your right to sue letter, you have 90 days in which to file a lawsuit. 29 C.F.R. § 1601.28.

- Court Action: The EEOC can file suit in court on the complainant's behalf if an acceptable settlement cannot be reached in within 30 days of the reasonable cause finding. The EEOC can decide not to bring suit, in which case the individual can get her or his own right to sue letter and must bring suit within 90 days.

### Filing In Connecticut Superior Court

To sue your employer in state court, the following conditions must be adhered to:

- Your complaint must have been timely filed with the CHRO.
- Your complaint must have been pending with the CHRO more than 180 days, or you and your employer must have both agreed to a request for a release (visit [www.ct.gov/chro](http://www.ct.gov/chro) for more information).
- You must request a release of your complaint from the CHRO for the purpose of filing a court action (which the CHRO must grant, except in limited circumstances).
- You must file your court action within two years of the date of filing your complaint (with certain limited exceptions); and you must file your court action within 90 days after receipt of the release from the CHRO and within 2 years of filing your claim with the CHRO. You must meet both of these deadlines. In such a court action, the remedies available to a victim of discrimination include reinstatement, back pay, restoration of job-related benefits, attorney's fees and other damages.
- If your employer has more than 15 employees, you may also sue in federal court.

## Filing in Federal Court

- Under federal law, you may bring a private lawsuit against your employer, with your own attorney, in federal court. To do so, you must:
  - Wait 180 days after filing with the EEOC and must receive a right to sue letter from the EEOC. See 42 U.S.C. § 2000e(5)(f)(1).
- If the EEOC dismisses your claim, you will automatically receive a right to sue letter.
- If your case has not been dismissed and 180 days have passed since you filed with the EEOC, you may request a right to sue letter; and file your federal lawsuit within 90 days of receiving the right to sue letter.
- You have the right to file a private lawsuit whether or not the EEOC finds in your favor, is suing your employer, or is still investigating your claim.

Although you are legally entitled to pursue such a suit without an attorney, it is extremely difficult and rarely done. If you are considering a lawsuit, it is best to consult an attorney as promptly as possible.

If you bring suit in federal court, you may seek reinstatement, back pay, restoration of job-related benefits, attorney's fees, compensatory and punitive damages and other remedies. Also, you have the right to request a jury trial if you are seeking compensatory or punitive damages. If you do have a jury, they will decide all of the issues in the trial, not just compensatory or punitive damages. If you are not requesting punitive or compensatory damages, you will not get a jury. Remember, you cannot get punitive damages from the government.

## Federal Employees

If you are a federal employee, you are protected under federal laws, but the procedure for filing a complaint is somewhat different than outlined above. You are not covered by state laws or enforcement procedures. See 42 U.S.C. § 2000e-16.

*Informal Resolution:* If you are a federal employee and you believe that you have been discriminated against, you must first contact an Equal Employment Opportunity (EEO) Counselor within 45 days of the discriminatory act or, if you are complaining about a personnel action, within 45 days of the effective date of the action. The 45-day limitation can be extended in certain circumstances. Once you have complained to the Counselor, the Counselor has 30 days to resolve the problem. If the Counselor is not able to resolve the problem, then he or she must notify you of your right to file a complaint of discrimination. You have 15 days from when you receive notice from the Counselor to file.

*Formal Resolution:* If you decide to file a discrimination complaint, you must file with the agency that allegedly discriminated against you. 29 C.F.R. § 1614.106(a). The agency is required to investigate your complaint within 180 days, although this time period can be extended if both sides agree to it. 29 C.F.R. § 1614.106(e)(2). As part of the investigation, the investigator can issue interrogatories and conduct fact-finding conferences. 29 C.F.R. § 1614.108. After the investigation has been completed, you have the option of requesting a hearing before an administrative law judge or a final decision from the agency that you filed the complaint with. If you want a hearing, you must request it within 30 days of receiving notice that the investigation has been completed. 29 C.F.R. § 1614.108(f).

The filing deadlines for federal employees are short and strict. The time limits may be extended if the government fails to notify you of filing deadlines or for other equitable reasons. 29 C.F.R. § 1614.604(c). It is best to consult the statutes and regulations for the process and deadlines. You also have the right to bring suit in federal court, the same as a civilian employee. In order to do this, you must obtain a right to sue letter. However, as a federal employee, there are fewer remedies available to you.

## Private Attorneys

As previously discussed, anyone can file a discrimination complaint with the CHRO and EEOC. You do not need an attorney and it does not cost money to do so. Even though you do not need a private attorney for most of the procedures described above, you may choose to hire one to assist and advise you. An attorney will be able to advise you on whether a private lawsuit, an appeal or a negotiation of a settlement is worth the time and effort. An attorney can help you make strategy decisions about how to pursue your case. Also, an attorney will be able to advise you about important filing deadlines.

In general, attorneys are paid a fee but may be willing to negotiate a payment plan with you. Only you can decide whether you can and should pay for an attorney's legal advice. CWEALF and the Connecticut Bar Association have attorney referral lists.

## **Other Benefits Available To Workers**

Under Connecticut law, even a person who quits a job voluntarily because she or he has been sexually harassed may be eligible to collect unemployment compensation. To determine that an individual voluntarily left work for good cause attributable to the employer, the Administrator must find, with respect to working conditions, that:

- The person was subjected to conduct that a reasonable person would consider repeated physical or verbal abuse by a fellow employee, supervisor or authorized representative of the employer; or,
- The person was subjected to a pattern of repeated physical or verbal abuse or unfair treatment, which a reasonable person would find offensive, by a fellow employee, supervisor or authorized representative of the employer; or
- Your employer was depriving you of equal employment opportunities.

- You must also show that you complained to your employer and tried to find a resolution through those means reasonably available to you prior to quitting.

For further information, contact the Connecticut Department of Labor at 860-263-6000 or visit <http://www.ctdol.state.ct.us>.

Unemployment Compensation, Conn. Regs. § 31-236-22(a)(1)(E), (G) and (H).

A case of demonstrated sexual harassment, which caused an individual to leave a job, could fall under good cause attributable to the employer. Although generally a person is expected to remedy an uncomfortable situation in the workplace with the supervisor, in cases of sexual harassment the person is not strictly required to seek remedy through the supervisor.

In a willful misconduct case, you must be ready to dispute a claim that you were fired for willful misconduct. Below are some tips to prepare you for either type of case.

- When applying for unemployment benefits, designate sexual harassment as the reason you left your job.
- If benefits are denied, you may file an appeal. C.G.S. § 31-241. An employer also has the right to appeal a decision allowing benefits. C.G.S. § 31-241.
- If you appeal the denial of benefits, or your employer appeals allowance of benefits, there will be a hearing before a referee. Be prepared to respond to your employer's version of the story at the hearing.
- Prepare everything in writing. This will help organize your presentation. Present any relevant documentation, including statements from witnesses.
- You have the right to have someone with you during all hearings. This can be a friend, union representative, or attorney.
- If an appeal is necessary, it is advisable to obtain an attorney to ensure that procedures are followed. CWEALF can refer you to an attorney.

Applying for and receiving a determination of eligibility for unemployment compensation could take up to six months, depending on whether appeals are filed. On the other hand, it could also go smoothly and be resolved in a few weeks.

### Workers' Compensation

Under Connecticut law, a worker may also be entitled to Workers' Compensation benefits for wages lost due to a physical injury caused on the job. A victim of discrimination who suffers stress is not eligible for workers compensation unless the stress arises from a physical injury related to the discrimination or sexual harassment, (e.g., a sexual assault). C.G.S. § 31-275(16)(B). (The statute states that a person is eligible for workers compensation for a mental or emotional injury such as stress, under C.G.S. § 31-275(16)(B) if the mental injury arises from a physical injury or occupational disease.) For more information, call the Division of Worker Education (1-800-223-WORK), contact your local office of the Workers' Compensation Commission, or consult an attorney.

### **Creating a More Equitable Workplace**

All employers and workers can take responsibility for preventing sex discrimination and creating a fair and respectful workplace. Discrimination is the result of prejudicial social pressures and stereotypes. Non-discriminatory personnel policies, contracts, job descriptions, informal conflict resolution techniques and educational programs can help create a workplace in which discrimination is not tolerated. Here are some of the things to look for in your workplace that may offer protection from sex discrimination.

#### *Personnel Policies and Contracts*

Personnel policies and contracts can provide protections against sex discrimination. These policies and contracts should include at least the following:

- A clear statement prohibiting sex discrimination;
- A grievance procedure that anyone can use;

- A specific policy statement against sexual harassment and an appropriate grievance procedure. It may be the same as the general grievance procedure as long as it provides access and confidentiality for victims of harassment; and
- A policy on pregnancy, childbirth and adoption leave that is, at a minimum, consistent with the law.

Request a copy of your personnel policy or job contract from your supervisor, personnel department or union representative. Read it thoroughly and look for these provisions.

### *Job Descriptions*

A complete and accurate job description is an important document for protecting your rights. It should describe your hours and wages, your tasks and responsibilities and the criteria that will be used to evaluate your work. Keep your job description current. If your job changes, ask your supervisor for an updated job description. An accurate job description may help to avoid conflicts about whether you are adequately performing your responsibilities.

You and your co-workers should be familiar with your rights and responsibilities. Use whatever means you can - suggestions, negotiation, pressure - to make your personnel policy, contract and job description into tools for protecting your rights.

### *Educating and Training*

By state law, an employer with 3 or more employees must post the guidelines and protections of Title VII against sexual harassment and sex discrimination in a prominent place. Regs. Conn. State Agencies § 46a-54-201 et seq. It is also a state law that an employer with 50 or more employees provides 2 hours of training and education on the issue of sexual harassment to all supervisory employees. Regs. Conn. State Agencies § 46a-54-200 et.seq.

In some workplaces, employers and employees have taken positive steps toward creating a climate of equality. Some employees have formed workplace committees to encourage

and aid their employers in developing sexual harassment and sex discrimination guidelines. Educational programs, workshops, posters, and booklets can be used to inform employees of their rights and responsibilities and to establish standards for fair and respectful behavior. For additional information, contact CWEALF.

## **Glossary**

**Affidavit:** a sworn statement of facts given to the court or an administrative agency.

**Bona Fide Occupational Qualification (BFOQ):** a qualification that is “reasonably necessary to carrying out a particular job function in the normal operation of an employer’s business or enterprise.” 29 C.F.R. § 1625.6.

**Commerce:** “trade, traffic, commerce, transportation, transmission, or communication among several states; between a state and a place outside thereof; within the District of Columbia, or a possession of the U.S.; or between points in the same state but through a point outside thereof.” 42 USC § 2000e (g).

**Compensatory damages:** money paid for pain and suffering caused by the defendant’s actions including back pay.

**Complainant:** person who brings the complaint; also known as the plaintiff.

**Commission on Human Rights and Opportunities (CHRO):** the Connecticut organization created by the state legislature that handles discrimination complaints, including sex discrimination and sexual harassment claims.

**Consolidated Omnibus Budget Reconciliation Act (COBRA):** a federal law that allows employees to continue their health care coverage during times of unemployment or leave of absence.

**Connecticut Constitution Amendment Article V:** the amendment that added sex as a protected class under the Connecticut Constitution.

**Default judgment:** a judgment or a decision issued against the respondent because he/she failed to answer your complaint or comply with an order of the CHRO or the court.

**De Novo Review:** a new review of the case, including the facts.

**Disability:** you are unable to work or can still work, but need special accommodations, for physical reasons; e.g., pregnancy.

**Discrimination on the basis of sex:** Connecticut law states that this includes but is not limited to discrimination related to pregnancy, childbearing capacity, sterilization, fertility or related medical condition. C.G.S. § 46a-51 (17).

**Disparate impact:** a legal term used in sex discrimination cases when an employment practice that is gender neutral on its face has a disproportionate affect on one sex.

**Disparate treatment:** a legal term used in sex discrimination cases when an employer intentionally discriminates against an employee or potential employee on the basis of her or his gender.

**Equal Employment Opportunity Commission (EEOC):** the federal agency charged with administering and enforcing the federal civil rights laws. It is located in Washington, D.C., but has regional offices throughout the country.

**Employer:** Under federal law, an employer is one engaged in an industry affecting commerce that has 15 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. It does not include the U.S. government or a "tax-exempt bona fide private membership club." 42 USC § 2000e (b) Under Connecticut law, an employer includes the state and all political subdivisions thereof, and means any person or employer with 3 or more persons in his employ." C.G.S. § 46a-51(10). The definition of "employer" may vary depending on the particular statute in question.

**Employee:** Under federal law an employee is an individual employed by an employer, except that it does not include anyone elected to governmental office or appointed to a

political office. 42 USC § 2000e (f). Under Connecticut law, any person employed by an employer but shall not include any individual employed by his parents, spouse or child, or in domestic service of any person. C.G.S. § 46a-51(9). The definition of “employee” may vary depending on the particular statute in question.

Employment agency: Under federal law, any person regularly undertaking with or without compensation to procure employees for an employer or to procure employment opportunities to work for an employer and includes an agent of such a person. 42 USC § 2000e (c). Under Connecticut law, any person undertaking with or without compensation to procure employees or opportunities to work. C.G.S. § 46a-51(11).

Grievance: an informal or formal complaint initiated because of an act that is unjust or discriminatory.

Grievance procedure: a formal complaint process by which an individual or group may take legal action to correct a violation of anti-discrimination laws or policy.

Injunctive relief: a mechanism by which a court can order non-monetary relief such as requiring the employer to stop using a certain policy.

Labor organization: Under federal law, “any organization engaged in an industry affecting commerce, and any agent of such an organization, ...and which exists for the purpose...of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment...” 42 USC § 2000e (d). Under Connecticut law, “any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.” C.G.S. § 46a-51(12).

Punitive damages: money an employer must pay a plaintiff/claimant to punish the employer for acting with malice or reckless indifference.

Respondent: a person whom a court case or complaint is brought against; party against whom relief is sought; also referred to as the defendant.

Sex-role stereotyping: an assumption that all males or all females share common abilities, interests, values, and roles.

## **Abbreviations**

C.G.S.= Connecticut General Statutes

C.F.R.= Code of Federal Regulations

F.2d = Federal Reporter, Second Series

Supp.= Federal Supplement

S.Ct. = Supreme Court Reporter

§ = Section

U.S. = United States Reports

U.S.C. = United States Code

## **Resources**

Commission on Human Rights and Opportunities (CHRO)

Administrative Office

25 Sigourney Street

Hartford CT 06106

Voice: (860) 541-3400 or toll free at (800) 477-5737

TDD: (860) 541-3459

### *Capital Region*

999 Asylum Ave., Second Floor

Hartford, CT 06105

Voice: (860) 566-7710

Fax: (860) 566-1997

TDD: (860) 566-7710

*Southwest Region*

350 Fairfield Ave., 6<sup>th</sup> Floor

Bridgeport, CT 06604

Voice: (203) 579-6246

Fax: (203) 579-6950

TDD: (203) 579-6246

*West Central Region*

Rowland Government Center

55 West Main Street, Suite 210

Waterbury, CT 06702

Voice: (203) 805-6530

Fax: (203) 805-6559

TDD: (203) 805-6579

*Eastern Region*

100 Broadway

Norwich, CT 06360

Voice: (860) 886-5703

Fax: (860) 886-2550

TDD: (860) 886-5707

Connecticut Women's Education and Legal Fund (CWEALF)

One Hartford Square West, Suite 1 - 300

Hartford, CT 06106

Voice: (860) 247-6090

Fax: (860) 524-0705

[www.cwealf.org](http://www.cwealf.org)

For free legal information and attorney referrals call:

*CWEALF's Information and Referral Service*

Greater Hartford: (860) 524-0601

Toll Free: (800) 479-2949

Open Mon-Fri

Spanish speaking staff members are available.

Equal Employment Opportunity Commission (EEOC)

You may ask the CHRO to file your complaint with the EEOC at the time you file your complaint with the CHRO.

EEOC Regional Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Voice: (800) 669-4000

Fax: (617) 565-3196

TTY: 1-800-669-6820

Permanent Commission on the Status of Women (PCSW)

18-20 Trinity Street

Hartford, CT 06106

Voice: (860) 240-8300

Fax: (860) 240-8314

**CWEALF Publications:**

- Divorce in Connecticut \*
- How to Choose an Attorney
- Legal Rights of Older Women
- Pregnancy, Family and Medical Leave in Connecticut \*
- Sexual Harassment in Schools \*
- Sexual Harassment in the Workplace \*
- Woman and Credit
- Women, Work and Sex Discrimination
- Title IX Gender Equity in Sports \*

\* Information available in Spanish