

# EMPLOYMENT DISCRIMINATION FACT SHEET



Everyone in Pennsylvania has the right to a workplace free from discrimination and harassment, even if you are undocumented!

## YOUR EMPLOYER CANNOT ILLEGALLY DISCRIMINATE

It is illegal for your employer to treat you differently because of your race, color, age (if you are over 40), national origin, religion, sex/gender (including pregnancy), disability, as well as sexual orientation or gender identity (in Philadelphia only). *You cannot be fired, paid less, harassed, or given different work because of any of these traits.*

- **Example:** Radika, a native of India, applies for a job as a receptionist. During her interview, the interviewer says Radika would not be right for the job because the company is looking for someone with "an all-American appearance." Radika is dressed appropriately, and is certain that the only thing about her appearance that does not fit this description is that she is of Indian ancestry.

## YOUR EMPLOYER MUST INVESTIGATE AND STOP HARASSMENT

Sexual harassment is a form of sex discrimination that includes unwanted sexual advances, requests for sexual favors, and/or hostile verbal or physical conduct of a sexual nature based on a person's gender. *It is illegal for your employer to allow sexual harassment, whether by a supervisor, co-worker, or customer.*

- **Example:** Maria, a server, tells her boss that she does not want to wait on a customer who made sexual comments to her and touched her inappropriately. Her boss tells her she must wait on them.

## YOUR EMPLOYER CANNOT RETALIATE AGAINST YOU

It is a violation of the law for an employer to take negative actions against you because you complained about illegal discrimination in the workplace.

- **Example:** Miguel complains that his supervisor, Juan (who is Dominican), is making insulting comments about his Mexican ancestry. The employer transfers Miguel to another department so that he does not have to work with Juan; however, the new role is less hours per week so Miguel earns less.

## ORGANIZE!

You have the right to join with your co-workers to demand better working conditions and join a union without being fired.

Contact us:  
(267) 225-6564  
[www.clsphila.org](http://www.clsphila.org)



## **HOW TO PROTECT YOURSELF AGAINST DISCRIMINATION AND HARASSMENT AT WORK**

- Keep written notes that include dates, details about what happened, and names of any witnesses.
- Save any written or electronic communications relating to your claim (like emails or texts).
- Talk to a trusted co-worker about what is happening.
- If you are comfortable doing so, tell the harasser to stop the inappropriate behavior.

## **HOW TO REPORT DISCRIMINATION OR HARASSMENT AT WORK**

- If your employer has an employee handbook or anti-harassment policy, check to see if there is a procedure to report the discrimination or harassment to your employer, and file a complaint according to this procedure. If not, tell your supervisor about the discrimination or harassment in person or in writing.
  - If you are not comfortable going to a certain person (or if your supervisor is the harasser), you can file a complaint with any manager you trust.
- Consider taking a co-worker with you when you make your complaint.
- Your employer should quickly investigate your complaint and resolve the problem fairly.
- If your employer does not take your complaint seriously, or fails to stop the harassment, you can file a legal complaint (but must do so quickly), you can call:
  - **Equal Opportunity Employment Commission** (within 300 days) - 800-669-4000
  - **Pennsylvania Human Relations Commission** (within 180 days) - 215-560-2496
  - **Philadelphia Commission on Human Relations** (within 300 days) - 215-686-4670
- You do not need an attorney to file a complaint but you have the right to hire an attorney, who can help you file a complaint.
- If the harasser has assaulted you, that is a crime and you should file a report with the police.

## **UNDOCUMENTED WORKERS ARE PROTECTED**

- Undocumented workers are also protected against discrimination and harassment at work.
- Because undocumented workers may face greater risks of retaliation, undocumented workers should seek the advice of an attorney knowledgeable about employment and immigration law who can properly assist you in deciding whether to file a claim.
- Learn more about your rights in our **Immigrant Workers Have Rights! Fact Sheet**.

**QUESTIONS ABOUT DISCRIMINATION, HARASSMENT, OR RETALIATION ?  
CONTACT CLS AT (267) 225-6564**