

# **EMPLOYMENT DISCRIMINATION<sup>1</sup>**

## **What is unlawful employment discrimination?**

In Florida, it is unlawful for employers with more than 15 or 20 employees to discriminate against job applicants or workers based on race, color, national origin, sex, age, religion, marital status or disability (referred to as “protected classes”) regarding hiring practices or terms or conditions of employment such as pay, promotion, training, lay off, testing, benefits, or firing. Most anti-discrimination laws also protect against harassment based on protected characteristics and retaliation for asserting your rights under applicable law.

## **Are employees in protected classes protected from unfair treatment?**

No. Unfair treatment only rises to unlawful discrimination when the employer’s conduct is motivated by your membership in a protected class and results in a negative employment action, such as failure to hire, train or promote; discharge; or less favorable employment conditions or has an unintentional discriminatory effect on a protected class as a group.

## **What should I do if I think I am being discriminated against at work?**

First try to resolve the problem through your employer. Check your employer’s company handbook or with the Human Resources Department for the procedure on how to report discrimination, harassment or retaliation and follow it. Failure to do so can limit your legal rights. If there is no reporting procedure, report the problem to your immediate supervisor. If your supervisor is the problem, report to his or her supervisor. Keep notes of the dates of all reports, the full names of the persons you reported to, full names and contact information for witnesses to the discrimination, and copies of any documents about the situation. It is unlawful for your employer to retaliate against you for making a report. If it does, you should file an additional complaint of retaliation.

## **What if my employer does not resolve the problem?**

In most cases you must file a charge of discrimination with the federal, state and/or local government enforcement agency before you have a right to file a lawsuit. You do not need a lawyer to file an agency charge, but legal advice can be helpful to assure that all possible claims are included, as you are limited to those claims if you later must sue.

## **Is there a deadline for filing a charge with government agencies?**

Yes. Claims brought under Duval County’s anti-discrimination ordinance must be filed within **180 days** of the discrimination with the Jacksonville Human Rights Commission (“JHRC”) at 117 West Duval Street, Suite 350, Jacksonville, FL (telephone: 630-1212). In Florida, claims brought under federal anti-discrimination laws must be filed within **300 days** of the discrimination. Claims under the Florida Civil Rights Act must be brought within **365 days** of the discrimination. If the discrimination occurred in Duval County, you may be able to file claims under federal, state and local laws through the JHRC if you file within the 180-day deadline. Or you can file federal charges with the Equal Employment Opportunity Commission or Florida charges with the Florida Commission on Human Relations. *If you fail to file within the time limits, you cannot make a claim.*

## **What happens next?**

If the agency accepts your charge, it may investigate or attempt settlement. If investigating, it must send you notice of its findings and your legal rights. That notice contains important information about deadlines for then filing a lawsuit (usually **90 days**) or in some cases,

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<sup>1</sup> The information provided here is general in nature and not intended as legal advice. The laws discussed are subject to change without notice. Seek legal advice for more information.

requesting an administrative hearing (usually **35 days**). *If you fail to meet the applicable deadline, you lose your right to continue your claim.*

**Isn't it discrimination for my employer to fire me without good reason?**

Generally, no. Most Florida workers are subject to "at will" employment, meaning that they can be fired at any time for no reason and without notice. Exceptions exist if you have an employment or union contract setting out terms for discharge or work for a government employer. Seek legal advice if unsure of your rights.

**Where can I get help?**

**Call Jacksonville Area Legal Aid at 356-8371 for information on applying for help.**

**JACKSONVILLE AREA LEGAL AID, INC.  
Employment Law Project**