Major Laws Impacting the Hiring Process

Federal

1. **Civil Rights Act of 1964, Title VII** – covers employers with at least 15 employees – protects against discrimination based upon race, color, gender, national origin, and religion – this law also started the EEOC
2. **Pregnancy Discrimination Act of 1978 (PDA)** – incorporated by amendment into the Title VII statute noted above, the PDA clarifies that pregnancy and related conditions are considered to be a subset of "gender" for discrimination law purposes; the law prohibits employers from treating women with pregnancy or related conditions any less favorably than other employees who have medical conditions that place a similar limitation on their ability to, or availability for, work
3. **Age Discrimination in Employment Act of 1967 (ADEA)** – covers employers with at least 20 employees – protects against discrimination based upon age against people who are age 40 or older
4. **Americans with Disabilities Act of 1990 (ADA)** – covers employers with at least 15 employees – protects against discrimination based upon disabilities, the perception of disabilities, or association with people with disabilities
5. **Genetic Information Non-discrimination Act of 2009 (GINA)** – covers employers with at least 15 employees – prohibits discrimination on the basis of genetic information, as well as the use, gathering, and disclosure of genetic information in the context of employment relationships
6. **Immigration Reform and Control Act of 1986 (IRCA)** – discrimination protection provisions cover employers with at least 4 employees – protects against discrimination based upon national origin or citizenship – this law also started the I-9 process
7. **U.S. Bankruptcy Code, Section 525** – covers any employer – prohibits discrimination based upon bankruptcy history or bankruptcy claim filing status
8. **Civil Rights Act of 1866 (42 U.S.C. §1981)** – covers all employers with at least one (1) employee or anyone who hires another person to perform any kind of work or services for pay (thus, it covers even independent contractor situations) – protects against discrimination based upon race or color (additional cautionary note: some national origin discrimination claims can be turned into race or color discrimination claims, depending upon the circumstances)

State

Every state in the United States has one or more laws prohibiting the forms of discrimination covered in the federal laws noted above. Some states add additional protected classifications such as sexual orientation, veteran status, and history of filing certain types of claims, and so on.