

Discrimination

Do you believe that you were discriminated against? Denied a promotion that you deserved? Have you been subjected to a hostile work environment? If so, we can assist you.

Being discriminated against means that you are treated differently based upon certain characteristics. For example, you have suffered an adverse action (been denied terms and/or conditions of your employment) because of among others, your race, age, gender, disability, religion, national origin, retaliation and sexual orientation. These categories are called a protected class.

If you believe that you were discriminated against it is important to speak to an attorney. Many times people believe that they were discriminated against simply because they belong to a protected class. This is not enough. You must not only be a member of a protected class, but have been treated differently in your terms and conditions of employment because of your protected status. For example, you were denied a promotion *because* you are a female. You were terminated *because* you have a disability. Or you were demoted *because* of your sexual orientation.

In determining if you were discriminated against, there are a few factors that need to be proved: (1) you are a member of a protected class; (2) it is known that you are member of the protected class; (3) you suffered from an adverse employment action (denied a raise, terminated, denied employment, etc.); and (4) the adverse employment action was a result of your being a member of a protected class.

Another facet of discrimination is a hostile work environment. It is not enough to say that your boss is mean and is hostile towards to you. Rather, as stated above, the hostility must be the result of your being a member of a protected class. If the

hostility is not based on your protected status then it is not actionable discrimination.

If you believe you have been discriminated against it is important to speak with a qualified discrimination attorney to understand your rights and options and most importantly the strict filing deadlines. Additionally, it is important that your attorney be able to guide you as to which administrative agency is the proper agency/ court to file your claims. For example, you can presently file a claim for sexual orientation with the New York City Commission on Human Rights but not with the EEOC.

An individual that believes he/she has been discriminated against can file claims with administrative agencies such as the Equal Employment Opportunity Commission, the New York State Division of Human Rights and/or the New York City Commission on Human Rights and/or directly in Court.

We can help file your claims and/or guide you through this process. We can also explain to you your obligations, such as the expectation that you try and mitigate your damages.

If you think your rights have been violated our firm is available to assist you in resolving your discrimination claims. With our help you may be able to resolve your claims through a negotiated resolution with your employer. If that does not transpire then we can assist you by bringing your claims through your employer's resolution process; to an administrative agency like the EEOC, New York State Division of Human Rights, New York City Commission on Human Rights; and/or initiating a lawsuit against your current/former employer.

We are well versed in employment discrimination matters and aware of the filing requirements and timeframes.

If you are interested in these services, please contact our office to schedule a time to speak.