

ND PROTECTION & ADVOCACY PROJECT



EMPLOYMENT DISCRIMINATION IN NORTH DAKOTA

The North Dakota Human Rights Act, Americans with Disabilities Act (ADA), Age Discrimination in Employment Act, Genetic Information Nondiscrimination Act (GINA), and the Equal Pay Act are among laws that protect North Dakotans from discrimination in employment settings, rules, policies and practices. These laws prohibit discrimination because of a person's:

- Race
- Color
- National Origin
- Religion
- Sex, including Sexual Orientation and Gender Identity
- Age (40 years old and older)
- Mental or Physical Disability
- Marital Status
- Receipt of Public Assistance
- Familial Status
- Participation in lawful activity off the employer's premises during non-working hours that is not in direct conflict with the essential business-related interests of the employer.

When can unlawful discrimination happen?

Unlawful discrimination in employment may happen with the advertising of a position, during the interview of an applicant, the hiring of an individual, or during the discharge of an employee. It may happen during the period of employment because of unequal policies or practices for job assignments, promotions, layoffs, training, salary, raises, and benefits. It may happen in the workplace setting because of harassment by a co-worker. Harassment occurs when an employee is subjected to offensive, humiliating, intimidating or threatening comments or actions because of one of his or her protected characteristics. This includes sexual harassment, unwelcome attention or advances of a sexual nature.

What is employment discrimination?

Employment discriminations happens when:

- An employer advertises for a job opening and specifies that only applicants of a particular race or ethnicity or age will be considered
- Asking a job applicant during an interview disability-related questions or asking the applicant at that time to undergo a medical examination or to identify any disability
- Employer's refusal to provide reasonable accommodations to an employee with a disability that will help the employee to perform the essential functions of the job
- Paying employees with disabilities less than other employees doing similar work based on undocumented rationale that the employees with disabilities are not as productive as other employees
- Inappropriate jokes or comments are made about an employee that cause stress to that individual
- Laying off or ending employment of older capable employees while retaining younger employees or replacing the older capable employee with a younger employee
- Refusing to hire a qualified applicant because of that individual's disability or other protected personal characteristic
- An employee is pressured to submit to unwelcome sexual conduct in exchange for favorable employment decisions
- An employer refuses to allow an employee with a disability to have a support person at meetings with supervisor or other meetings with the employer
- Conduct of other employees creates a work environment for an individual that a reasonable person would consider hostile, intimidating, or offensive and this interferes with an individual's work performance

What are reasonable employment accommodations?

A reasonable accommodation can be:

- A change or adjustment to the job; or
- A change or adjustment to the work environment or the way things are usually done.

An employer must provide a reasonable accommodation to a person with a disability that will help that person:

- Apply for a job;
- Perform the job duties;
- Enjoy the benefits and privileges of employment that are equal to those enjoyed by similarly situated employees without disabilities.

An accommodation is reasonable if:

- It is practical and possible;
- Does not jeopardize the health safety of the individual or other employees;
- Does not change the fundamental nature of the business; and
- Does not cause an undue financial burden to the employer.

Reasonable accommodations for an employee may be:

- Modifying work schedule
- Adjusting or modifying route to employee's work area to ensure a clear route
- Adjusting or modifying examinations, training materials, or policies
- Acquiring or modifying equipment or devices

For Help:

The North Dakota Department of Labor and Human Rights, Bismarck, is responsible to receive, investigate and try to settle complaints about employment discrimination.

Phone numbers: 701-328-2660; toll free 1-800-582-8032

TTY 1-800-366-6888 or 1-800-366-6889

Website: <https://www.nd.gov/labor/human-rights/employment-discrimination>

Email: labor@nd.gov

A complaint form is available on this website. The Department must help you complete and submit the complaint if you ask.

Job Accommodation Network, website <https://askjan.org>

Equal Employment Opportunity Commission (EEOC)

Phone numbers: toll free 1-800-669-4000; TTY 1-800-669-6820

Website www.eeoc.gov

Field office information is available at www.eeoc.gov and in most telephone directories in the U.S. government or federal government sections.

See also:

[SSI and SSDI Overpayments fact sheet](#)

FOR MORE INFORMATION, CONTACT:

ND PROTECTION & ADVOCACY PROJECT

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If you need this handout in an alternative format, please contact the Protection & Advocacy Project.