



Know Your Rights: Action Steps for Addressing Discrimination

1. Document
2. Determine Your Priorities
3. Reporting Options
4. Filing a Complaint
5. Finding a Lawyer

1. Document

➤ Keep A Paper Trail

For instance, below are examples of some of the things you may want to keep records of:

Women in workforce development placement and/or training programs:

- ✓ Write down the advice and placements others in your group are getting.
- ✓ Keep track of the city, state and federal agencies that your program reports to as they often all have their own complaint procedures.

Apprentices:

- ✓ Keep a copy of the standards of apprenticeship that are included in the apprenticeship agreement you sign. If the standards are not explicit in the agreement, ask for a copy from your apprenticeship director. It should also be available from your [state apprenticeship director](#).
- ✓ Track your job assignments and hours on the job.
- ✓ Make and keep copies of your progress reports as well as records of dates and times and content if you and/or your contractor sign off on your on-the-job training records.
- ✓ Keep track of what other apprentices at your level or below are being assigned to do.

Journey Workers:





- ✓ Keep track of your place on the referral hall list and whether you or others are referred out of order. Same if you shape jobs.
- ✓ Keep track of your job assignments and overtime hours.
- ✓ Keep a copy of your Collective Bargaining Agreement and Constitution including any equal opportunity and/or complaint policies and procedures.

➤ Write Down What Happened

As soon as you experience discrimination, make note of it.

- ✓ Write down dates, places, people, times and possible witnesses to what happened. If possible ask your co-workers to write down what they saw or heard, especially if the same thing is happening to them. Do not keep the record at work.
- ✓ Write down the dates and times of any discussions you have about the discrimination with union and company representatives. Who else was there? What was said?
- ✓ Whenever possible, make the complaints in writing. Describe the problem and how you want it resolved.
- ✓ Keep copies of everything you send and receive from your employer or union including emails, texts and voicemails.
- ✓ Take dated pictures of any graffiti or other discriminatory employment conditions.
- ✓ If you wish to record a conversation or meeting, check your state's rule first. Some states say if one party (you) knows about the recording, than that is enough. Other states say you have to inform whoever is being recorded.
- ✓ When you are facing retaliation – define and discuss signs and examples.

2. Determine Your Priorities

- Think through your goals and what remedies you want and let this inform and guide your actions and communications, including how and where you complain and/or report the problem.
 - ✓ What are your priorities?



- ✓ Do you want a quick resolution to the problem?
 - ✓ Do you want reinstatement or compensation for what you've lost?
 - ✓ Do you want long term change?
 - ✓ Is the problem affecting an entire group of employees or just you?
 - ✓ Do you want your employer or union to change its policies or procedures?
- Is what you want to have happen something the employer or apprenticeship program already has a legal or contractual obligation to do? If not, would it nonetheless be in line with the program's or employer's existing policies and procedures? Or could it benefit them in other ways such as improving their reputation, work completion times or standing in the community?
- Be consistent in stating what you want to see happen and/or how you want to see the situation or problem resolved.
- Keep in mind that there are deadlines for filing discrimination complaints with government agencies. You have 180 days (approximately 6 months) to file a charge with the Equal Employment Opportunity Commission (EEOC). Most other agencies are also within this time frame. Some state and city agencies will give you a little more time than that. Check the Charts on Anti-Discrimination Laws for deadlines. ([Federal](#), [State](#), and [Local](#) law charts.)
- If you feel that your employer or union's internal process for dealing with the discrimination will not or did not help you, do not wait to file a formal external complaint. You cannot bring a discrimination lawsuit against your employer unless you have first filed a complaint of discrimination with the EEOC or your state Fair Employment Practices Agency (FEPA). Deadlines for filing discrimination complaints for the EEOC and OFCCP are **180 days** (approximately 6 months). Some FEPAs have longer filing deadlines but it is important to not delay in filing your complaint. This toll-free phone number will automatically connect you to your local EEOC office. (800) 669-4000. For more information, go to the [Title VII Fact Sheet](#).

3. Reporting Options

- Report the incident informally, talk to your union representative, supervisor, business agent, foreman or shop steward.





- If you are an apprentice, talk to your apprenticeship director, especially if the director placed you on that job.
- If the union representatives do not intercede, or are the source of the problem, then address the company owner or representative. It is important that the company representatives know about the discrimination.
- Find out if your employer has any written policies or procedures for complaining about discrimination. Other sources of possible policies may be in your apprenticeship agreement, union constitution and/or collective bargaining agreement (CBA). Follow those procedures in making an internal formal complaint.
- Note that filing a grievance with the union/through the grievance procedure in the CBA does not “stop the [legal] clock” (toll the statutes of limitation) on a discrimination or harassment complaint. You generally do not have to “exhaust” the union grievance process before/in order to file discrimination claims with an administrative agency. The requirement to exhaust grievance process generally applies where you’re alleging violations of the CBA itself. However, when facing harassment or discrimination, it may be a good idea to do or pursue both because the CBA-based grievance process could be the quickest way to get certain remedies -- like reinstatement and/or recovery of lost seniority.
- If the discrimination is not addressed, persists, and/or if you are laid off and/or reassigned to a less desirable work team or site, you can file a formal complaint with a government agency. This is usually, but not always, the first step for a lawsuit. See the Chart on Anti - Discrimination Laws for more information. (Federal, State, and Local law charts.)
- You do not need a lawyer to file a complaint. You do have to observe the deadlines, otherwise the complaint is considered “stale.” If there are extenuating reasons for a delay past the deadlines, some agencies will allow an extension.

4. Filing a Complaint

- Most laws that prohibit sex discrimination do not allow you to go straight to court; generally, you have to file a formal discrimination charge with a federal or state agency before you can file a lawsuit in court. However, you may want to consider early on whether filing a lawsuit is something you would be willing to do. The remedies or relief you can seek in a lawsuit will vary, but may include money damages, getting your job back (if you’ve been fired or forced out on leave), and/or making your employer change its practices to prevent future discrimination.





- Filing a formal complaint of discrimination with the Equal Employment Opportunity Commission or your State or city's Fair Employment Practices Agency is the first step if you want to file a lawsuit in federal or state court. ([Title VII Fact Sheet](#))
- If you are an apprentice, and this involves on-the-job training you should also look into filing a complaint with your State Apprenticeship Agency or Office of Apprenticeship Representative. ([National Apprenticeship Act Fact Sheet](#))
- If the discrimination is occurring on a public works project, such as a roadway, federal building, or a bridge, and the discrimination is affecting all women (not being hired, retained, assigned overtime) then you should also consider [making a complaint](#) to the Office of Federal Contract Compliance Programs. If you are working with a non-profit organization, that organization can also put in a complaint with the OFCCP on your behalf.
- If this complaint is against your union, you may want to file a complaint with the National Labor Relations Board. ([NLRA Fact Sheet](#))
- You do not need a lawyer to file a complaint. You do have to observe the deadlines, otherwise the complaint is considered "stale." If there are extenuating reasons for a delay past the deadlines, some agencies will allow an extension.

5. Finding a Lawyer

- Although you do not need a lawyer to file a complaint, and you can represent yourself in a lawsuit, if you can, it is a good idea to consult a lawyer to understand your options. They can help you settle a case as well as represent you in court.
- Cost: Most lawyers will require a consulting fee to discuss your case. If you decide to hire the lawyer and s/he is willing to take your case, you will most probably have to give her a retainer fee. Legal fees per hour run from approximately \$200 to over \$500 depending on your region and the experience of the lawyer.
- Lawyer Referrals: Recommendations from friends and family or business colleagues can be helpful. Be sure to do some research on that person before hiring them. The National Employment Lawyers Association for your state should also have a list of attorneys. Your local Bar Association can also help you find a lawyer.



- Non-profit legal organizations sometimes have lawyers on staff who may be able to assist or represent you or make referrals to attorneys.

Some Legal Resources

The Legal Aid Society Employment Law Center in California has a fact sheet on hiring a lawyer that covers when you should hire a lawyer, how to find one and what to do if you have a dispute with the lawyer. "[Hiring a Labor or Employment Lawyer](#)" They also list [resources and referral sources](#) for California including Lawyer Referral Agencies and non Profit Agencies.

The Oregon State Bar has a lawyer referral service available at <http://www.osbar.org/public/ris/>

[Legal Voice](#) also has a variety of self-help materials and resources on their website to help you navigate court procedures and the legal system. Legal Voice pursues justice for all women and girls in the Northwest, including Washington, Oregon, Idaho, Montana, and Alaska, through ground-breaking litigation, legislative advocacy, and legal rights education. They offer a variety of self-help materials on their website but do not have the resources to offer legal advice or represent individuals.

[Equal Rights Advocates](#) (ERA) is a national civil rights organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls. Equal Rights has Fact Sheets in English and Spanish including on Sexual Harassment at School and Work; and Family and Medical Leave and Pregnancy Discrimination. ERA has a multilingual Advice and Counseling Line that you can call to receive free practical advice and information about your legal rights. All calls are confidential. Call toll-free at 1-800-839-4372.

[A Better Balance also has Fact Sheets on your rights](#) regarding pregnancy discrimination, family leave, sick time, flexible work or breastfeeding on the job. For free and confidential information and advice about your workplace rights call their hotline at (212) 430-5982.