

Legal Issues

What you need to know about pregnancy, maternity leave and sexual harassment at work.

Discrimination in hiring, job duties, promotions:

It is illegal to discriminate on the basis of gender. If you have been the victim of sex discrimination, you should file a Charge of Discrimination with the Utah Anti-discrimination & Labor Division (“UALD”). The process is free and you do not need a lawyer.

Requirements:

- Your employer must have at least 20 employees.
- You must file your charge of employment discrimination within 180 days of the alleged discriminatory act. If more than 180 but less than 300 days have passed since the last date of harm, your charge will be sent to the EEOC for processing.

Pregnancy and maternity leave:

According to Title VII of the Civil Rights Act of 1964, discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination. This means you can't be fired for being pregnant or having a baby.

An employer also cannot single out pregnancy-related conditions to determine an employee's ability to work. If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee, because pregnancy is considered a temporary disability. For example, the employer may provide modified tasks, alternative assignments, disability leave or leave without pay.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Regarding pay, the 1993 Family and Medical Leave Act (see page 36) allows an employee to take off up

to a full 12 weeks of UNPAID leave, provided you've worked there for one year and the company has more than 50 employees. If the company has no maternity leave benefits, you'll need to use your sick leave, vacation and comp time benefits, since there's nothing that entitles you to full pay while on maternity leave.

If you're pregnant, or are planning a family, you should consult your company's human resources manager or the company handbook to investigate your company's specific policy.

Sexual harassment:

Trust your gut feelings. If someone's behavior makes you uncomfortable, you do not have to put up with it. According to the American Psychological Association, research shows that less than 1 percent of sexual harassment complaints are false. And of the many women who have valid complaints, most do not take any action.

In any sexual harassment situation, it's critical to follow the correct steps. The first step is always to tell the harasser that you are offended by their conduct, that you won't tolerate it and it's got to stop. At this point, it's a good idea to start documenting everything that happens, in case the harasser doesn't stop and you need to take further action. Also, check your employee manual to see if your company has a harassment grievance policy. If so, make sure you follow the policy to the letter.

If this doesn't stop the person's behavior, then you may eventually need to prove in a court of law that you made a good-faith effort to work within the corporate guidelines. Document how you followed the rules laid out by the company, and how they did or did not work. But do this in a home journal, not at work. ☞

More:

- <http://womenscommission.utah.gov/law.html>
- <http://nwlc.org/>
- <http://www.megalaw.com/top/gender.php>
- <http://www.uslegalforms.com/employmentforms/utah-employment-forms.htm>

