



Race Discrimination

Although most employers are aware that they cannot discriminate on the basis of race, many are not sure what exactly constitutes race discrimination. These HR Tips will help you understand the various aspects of race discrimination and how to avoid them. As your total HR provider, Express Personnel Services can help you handle this and other HR challenges. Contact us today for more information.

Race Discrimination Defined

Discrimination on the basis of race is prohibited in all aspects of employment (hiring, termination, promotion, etc.) by Title VII of the Civil Rights Act of 1964. Race includes characteristics associated with a race, such as skin color or facial features, regardless of whether all members of the race share those characteristics.

It is illegal to discriminate against an employee because of marriage to or because of a connection with a person of another race.

Racial Harassment

Racially oriented harassment that creates a hostile or offensive work environment is also illegal under Title VII. Examples include inappropriate comments, jokes and threats directed toward a person of a specific race. Employers must maintain a work environment free of racial harassment.

Disparate Impact

Even if discrimination is not intended, if an employer's policy or practice has a disparate impact, a disproportionate adverse effect on members of a specific racial group that cannot be justified on the basis of business necessity, the employer can be liable for discrimination under Title VII. The racial composition of an employer's workforce is not relevant if an adverse impact on the employment opportunities of individual candidates is shown.

To defend a discriminatory practice, whether it is subjective or objective, on the basis of business necessity, the practice must have a direct relationship to successful job performance.

Disparate Treatment

The difference between disparate impact and disparate treatment is intent. If an employer intentionally treats employees or applicants of one racial group less favorably than those of another, disparate treatment occurs. An example of disparate treatment would be terminating an employee of a certain race for tardiness but giving another person a written warning for the same incident.