



## 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 based on disability happen?**

Unlawful discrimination in employment may happen at the beginning with the advertising of a position. It may happen during the interview of an applicant, the hiring of an individual and 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, such as disability.

### **What is employment discrimination based on or related to disability?**

Disability-related employment discriminations happens when:

- An applicant is asked
  - disability-related questions in an interview
  - to undergo a medical examination
  - to identify any disability

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- There is a refusal to hire a qualified applicant because of that individual's disability or other protected personal characteristic
- An employer refuses to provide reasonable accommodations to an employee with a disability that will help the employee perform the job's essential functions
- Employees with disabilities are paid 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 them stress
- 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.

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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 remove obstacles
- 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](mailto: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

Field office information is available at [www.eeoc.gov](http://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](#)

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