



What is Title VII?

Title VII of the Civil Rights Act of 1964 is a Federal law that prohibits employers from discriminating against employees on the basis of:

- Sex
- Race
- Color
- National origin
- Religion

Who Does Title VII Apply To?

Title VII applies in workplaces that have 15 or more employees¹, including

- Federal, state, and local governments.
- Private and public colleges and universities
- Employment agencies
- Labor organizations

Employees, job applicants, former employees and applicants or training participants may be afforded the protection under Title VII. Independent contractors are not protected under Title VII.

Despite Title VII's passage half a century ago, race and gender discrimination is still pervasive in the restaurant industry. Knowing your rights can help you protect yourself, but the information contained here is not legal advice. If you have been discriminated against, we encourage you to contact ROC to join the fight for racial justice in the industry.

¹ If your employer is not covered by Title VII because they do not employ 15 or more employees, there may be applicable State or Local laws that apply. Please contact the EEOC, an attorney or ROC to find out more.



What Aspects Of Employment Does Title VII Cover?

Title VII Forbids Discrimination in **any aspect** of employment, including:

- Hiring and firing
- Discipline
- Pay, retirement plans, and disability leave
- Compensation, assignment, or classification of employees
- Transfer, promotion, layoff, or recall
- Job advertisements & Recruitment
- Use of company facilities
- Benefits
- Other terms and conditions of employment

What Do I Do If I My Title VII Rights Have Been Violated?

You have the right to file a discrimination complaint with the Equal Employment Opportunity Commission, the Federal agency charged with enforcing many anti-discrimination laws.

It is important to know that there are strict deadlines for filing. In most cases you have 180 days from the date of the discriminatory incident to file a discrimination charge with the EEOC in order to preserve your rights. You do not need an attorney to file a complaint with the EEOC. The [EEOC's website](#) explains how to file a charge.

What Happens After I File A Complaint?

After you file a complaint, the EEOC will notify your employer that you filed a discrimination charge and begin an investigation into your complaint.

The EEOC will then:

- (a) Attempt to settle your complaint or refer you and your employer to a mediator
- (b) If the EEOC is unable to reach a settlement between both parties and the defendant is a private employer, the EEOC may file a lawsuit in federal court OR



(c) Dismiss the charge

If your charge is dismissed or the EEOC is unable to reach an agreement to settle the complaint, the EEOC will give you a notice advising you of your right to sue in court. This notice is called a “right-to-sue” letter. If you want to file a lawsuit before the EEOC completes its process, you may request a right-to-sue letter.

What Steps Can I take To Protect Myself Before I File An EEOC Charge?

- 1 Keep a record of the discriminatory practices you believe are taking place.
- 2 Check your company’s employee handbook to see if your restaurant has its own Dispute Resolution process.
- 3 Keep doing a good job and keep a record of your work.
- 4 Connect with ROC for peer support. Facing discrimination at work can be very difficult, but you do not have to do it alone. We are here and can connect you with a network of restaurant workers fighting for justice in the industry.
- 5 You can contact the EEOC to speak with a counselor about your legal rights.
 - * Keep in mind, in most cases you only have 180 days from the date of the discriminatory activity to file with the EEOC.

Can My Employer Punish Me For Filing A Complaint Or Speaking Up About Title VII Concerns?

Title VII forbids employers from retaliating against you for filing a charge of discrimination or speaking out against discrimination. It also protects you from retaliation if you choose to participate in an investigation, proceeding, or hearing on behalf of a co-worker.

If you or a coworker have experienced or witnessed discrimination in the workplace, get in touch with ROC to discuss your legal and organizing options.