

Legal help advised for sex discrimination

By **BRENDA TABOR**
Of the Emerald

Women's rights was the focus of the People's Law School Wednesday night, as participants were advised on the changing laws in sex and employment discrimination by lecturer Eileen Simpson.

"Any person who suspects they have been discriminated against should get competent legal help," said Simpson. She recommended seeking help from special interest groups rather than private lawyers. The National Organization of Women, other feminist groups and the American Civil Liberties Union were named as groups that provide legal aid in sex and employment discrimination cases.

Simpson said the area of sex and employment discrimination is complex and quickly changing because there are four sources of the law: court decisions, statutes, administrative agencies and executive orders.

Title VII, also known as the Civil Rights Act of 1964, is the most comprehensive federal anti-discrimination law. The act is enforced by the Equal Employment Opportunity Commission (EEOC). Employers and unions with 15 or more employees, employment agencies, and state and local governments are covered by law, which states:

•Employers cannot discriminate by advertising jobs for one sex only, nor can they discriminate in hiring, salary, promotion, benefits or termination policies.

•Employment agencies are prevented from making job referrals by sex or by keeping separate job files. Unions cannot exclude women from closed shops or classify them separately.

•The small boxes on an employment application used to indicate marital status may only be used to show compliance with affirmative action by holders of federal contracts.

•An interviewer may ask how long maternity leave will be, as long as male applicants are questioned about the expected length of paternity leave. Medical questions about possible pregnancy complications or birth control methods are illegal.

"Think about questions that might be asked before your interview so you know how to handle them," Simpson advised. Employers often use "bad" questions to test prospective employees to find out if they "need the job." She recommended that interviewees project the image that "the job needs you."

"Bona-fide occupation qualifications" (BFOQ) are the only means by which a woman can legally be barred from a job. A recent U.S. Supreme Court decision determined that the BFOQ can only be applied to wet nurses and sperm donors.

•An interviewer can ask if applicants have responsibilities that make them unable to meet work schedules, but questions on child care arrangement, marital status or number of children are forbidden.

It is not a BFOQ condition to refuse women work in undesirable conditions or because of the preference of clients, co-workers or the employer.

"Bell Telephone had a rule that women couldn't lift over 15 lbs., but the children they lift usually weigh over 15 lbs.," she said, citing an example of protective laws.

Simpson then shifted emphasis to the procedure for filing a complaint. "Filing complaints is not a glorious occupation," she emphasized. "Keeping written records is stressed because by the time a decision is made, you may be much older and not remember names and dates."

An employee suspecting personal discrimination should talk to but not antagonize sympathetic co-workers. Simpson said a signed affidavit from co-workers may be useful when a complaint is later filed.

"Any person told they cannot have a job because of company policy should ask to see the policy. Such a policy usually doesn't exist and if it does, a discrimination case will be strengthened," Simpson said.

A complaint must be filed "not more than 180 days after the last act of discrimination," according to EEOC guidelines. Complaints should be filed with both the Bureau of Labor in Portland and with the regional EEOC office, Simpson said. Filing with both agencies may speed the process, as the state agency has 60 days to complete investigation of the case before it is transferred to EEOC jurisdiction.

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