

What's wrong with this picture? You be the judge

How many contemporary employment law violations can you spot in this real-life 1860s ad for the Pony Express below?



ANSWERS: (from [Jon Hyman, Esq.](#), a partner at Kohrman Jackson & Krantz in Cleveland)

“Young.” It is illegal [age discrimination](#) to state a preference for younger workers.

“Skinny, wiry.” Michigan is the only state that prohibits weight discrimination. However, advertising that only the skinny need apply could raise disability discrimination issues, especially under the recently broadened [ADA](#).

“Fellows.” It would be sex discrimination to consider only men for a position, unless gender is a bona fide occupational qualification.

“Not over 18.” Child labor violations, anyone?

“Willing to risk death.” It is a good thing for the Pony Express that OSHA did not exist in the 1860s. It would have taken issue with a job that requires its employees to risk death as one of its essential functions.

“Orphans preferred.” Anti-discrimination statutes do not expressly protect family status. The EEOC, however, considers family status worthy of special protection.

“Wages \$25 per week.” Congress did not enact a minimum wage until 1938. Today’s federal minimum wage is \$7.25 per hour. Many states are higher. It would be hard to travel by horse from Missouri to California in 10 days with only three hours of work permitted.