

# Ohio Fair Employment Practices Act

Under the Ohio Fair Employment Practices Act (OFEPA), it's illegal to subject people to differential treatment based on race, color, religion, sex, national origin, disability, age or ancestry.

The OFEPA prohibits unlawful discrimination in employment and access to places of public accommodation. Employers may not discriminate against any member of the protected classes listed above in hiring, compensation or the terms, conditions or privileges of employment.

The law is Ohio's version of the federal Civil Rights Act, Age Discrimination in Employment Act, Equal Pay Act and the ADA all rolled into one. While those federal laws cover employers with 15 or more employees, the state law covers employers with as few as *four* employees.

Employees can file OFEPA complaints with the Ohio Civil Rights Commission, which administers the law. In investigating complaints, the commission will take one of the following steps within 100 days of receiving a charge:

- Determine that discrimination probably didn't occur and not pursue a complaint.
- Initiate a complaint and attempt to settle the matter through conciliation.
- Initiate a complaint and refer the matter to the state attorney general with a recommendation to seek a temporary or permanent injunction or temporary restraining order to halt the discriminatory behavior. Then it will file a complaint in the Court of Common Pleas in the county in which the discrimination allegedly took place.

Because of this arrangement, employees or former employees don't need to shell out money for an attorney. Additionally, they may seek punitive damages.

Punitive damages are capped at \$10,000 for the first offense, \$25,000 for the second and \$50,000 for the third and subsequent violations within a five-year period. Those damages are in addition to compensatory damages such as back pay, front pay and other economic damages. Under the OFEPA, compensatory damages aren't capped.

## Sexual stereotyping

The federal appeals court for the 6th Circuit, which includes Ohio, recently interpreted the federal Civil Rights Act of 1964 to prohibit discrimination based on sexual stereotyping. While stopping short of providing protection to gay and lesbian workers, the interpretation can give employees an opportunity to sue if they believe they've suffered discrimination because they don't behave in accordance with employer-determined gender roles.

For more information on the Fair Employment Practices Act, visit the Ohio Civil Rights Commission Web site: <http://crc.ohio.gov>.

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*Excerpted from Ohio's 10 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: **Ohio Employment Law**.*