



TEXAS

EMPLOYMENT

LAW
GUIDE

*What To Do If You're Being
Discriminated Against at
Work*

Chavez Law Firm
EL PASO'S PERSONAL INJURY LAW FIRM



Are you being subjected to discrimination in the workplace? Is your employer or another employee harassing you in a manner that makes you uncomfortable or fearful while at work? Discrimination and harassment are serious violations that many employees face every year. Do not let such wrongful actions occur in your workplace without speaking up. At Chavez Law Firm, our El Paso employment law attorneys can protect your rights and advocate for a desirable resolution to your situation on your behalf.

Having been in practice for more than two decades, our community-oriented firm is passionate about promoting and protecting safe and harassment-free workplaces. Employers, supervisors, and other employees who cause damages to innocent workers should be held accountable. Speak with an El Paso employment attorney from our firm right away to learn how we can defend your rights and file a claim for fair compensation.

Types of Protection for El Paso Employees

There are numerous laws that protect employees not only from harassment and discrimination but also from retaliation after the employee speaks up. Our legal professionals can examine the circumstances of your situation and determine if your employer acted in violation of any federal regulations.

- **Americans with Disabilities Act:** The Americans with Disabilities Act (ADA) serves to prohibit discrimination and ensure equal opportunity in the workplace for all individuals. This act also provides regulations for building structure, accommodations, and services to ensure that disabled individuals are not wrongfully excluded in any way. If you have a recognized disability and have experienced discrimination, either in the workplace or with any other business or establishment, you may be able to hold them accountable and obtain compensation by filing a lawsuit.
- **Equal Employment Opportunity:** The Equal Employment Opportunity Commission (EEOC) aids and supports individuals who have experienced harassment or discrimination in the workplace. The EEOC enforces federal employment law and can help you to obtain justice and fair compensation for your case. These cases can include denial of a job or of advancement due to race, color, religion, sex, national origin, age, disability, or genetic information. We can help you approach the EEOC regarding your employer's illegal behavior and provide the support you need to maximize your chances of winning your case.
- **Family and Medical Leave Cases:** Employees of eligible employers have the right to take up to 12 weeks of unpaid leave per year due to serious illness or to care for a family member who is ill. The Family and Medical Leave Act (FMLA) protects eligible employees from facing discrimination or wrongful termination due to their absence and protects their right to their

job upon their return. An attorney from our firm can help you file a claim if your right to unpaid leave has been denied or if you have been wrongfully terminated or demoted while taking leave.

How an El Paso Employment Law Attorney Can Help You

Taking a stand against your employer can be a nerve-wracking experience, especially when you cannot afford to lose wages or your job. On the other hand, no problem can resolve itself; you need to speak up in order to stop discrimination and harassment in the workplace. An attorney from Chavez Law Firm can provide the support and guidance you need during this difficult experience, as well as the aggressive representation needed to defend your rights and obtain justice.

Compensation and Justice for Cases of Harassment and Discrimination

Every workplace should be an area where employees are unafraid and unhindered when performing their work. Harassment and discrimination against anyone can cause serious damages and loss of income to innocent individuals. The Equal Employment Opportunity Commission enforces all federal laws pertaining to workplace and employment discrimination. It serves to obtain justice and equality in the workplace. If you have been denied a job or advancement due to your race, color, religion, sex, national origin, age, disability, or genetic information, you could file a claim and find protection under the EEOC.

Discrimination comes in many forms. The EEOC particularly helps with cases involving hiring, firing, promotions, harassment, training, wages, and benefits. Anyone who has had their rights violated by their supervisor or employer and has been unable to resolve the matter by speaking with their employer could find support by approaching the EEOC. Doing so is best accomplished with the counsel and guidance of an experienced El Paso employment lawyer. Chavez Law Firm has what it takes to help you approach the EEOC and file a strong lawsuit against employer discrimination.

Frequently Asked Employment Law Questions

What is Age Discrimination?

Age discrimination in employment is a very common problem. Our nation's laws and our state laws protect employees over the age of 40 from being

discriminated against. What constitutes discrimination? Discrimination is being harassed because of your age – being called “old man” or “old woman” or hearing innuendo based on your age, being told that you can’t do the job of younger employees or being told to retire or to go on Social Security. Age discrimination also can involve being treated differently from other younger employees. For example, a common tactic by employers is to do “a reduction in force” where all the older workers are laid off, but all the younger workers are kept on.

Fortunately, our nation’s laws protect employees from this type of treatment. If you have questions about a potential situation like this or if you feel you’ve been discriminated against because of age, we at the Chavez Law Firm stand ready to provide you with the information that you need and to answer your questions. All you have to do is give us a call and set up an appointment.

Can I Start Collecting Unemployment?

Sometimes clients who have been illegally discriminated against in the workplace ask if they are, in fact, entitled to employment. The answer is that it depends on numerous factors. One issue that factors in is 1) whether or not you were actually fired; 2) whether or not you “quit,”; or 3) whether or not you were forced to resign instead of being fired, aka a false retirement.

If you have questions or you find yourself in this type of situation, or your loved one finds themselves in this situation, give the Chavez Law Firm a call. We stand ready, willing and able to provide you with the information you need to make the right decision and to answer your questions.

What Are the Different Types of Age Discrimination?

Age discrimination is discrimination in the employment context against employees who are age 40 years old and older. It normally takes the form of verbal harassment, but can also take the form of just very simply treating older employees and workers differently from younger employees by giving younger employees better assignments or more training.

If you find yourself in this position, or if one of your loved ones finds themselves in this position, we at the Chavez Law Firm stand ready to provide you the information you need, so that you can make the right decision. We are ready to answer your questions. Give us a call. Set up an appointment so that we can help.

What If I’m Being Discriminated at Work Due to a Disability or Illness?

Employees who feel that they have been discriminated against because of a disability or because of an illness should first and foremost find an



attorney that has trial experience and who has experience in employment discrimination and retaliation laws. This area of the law is unlike any other area of the law for many reasons. For one, this area of law can be complicated. It protects employees who are disabled, while also protecting employees for the serious medical conditions of their children – for example, if an employer fires an employee because the employee has a child who has to go through chemotherapy.

Fortunately, our nation's laws and our state laws protect against such illegal discrimination. If you feel you've been discriminated against, harassed or retaliated against because of a disability or a serious medical condition, find us and give us a call so that we can answer the questions that you have and give you the information you need for finding an attorney who can help you in your time of need.

What If I'm Being Discriminated at Work Due to Race and Ethnicity?

Our nation's and our state laws protect every employee on account of their race, on account of their national origin, or on account of their ethnicity. It doesn't matter if your grandparents are from Sweden or South Africa or Columbia. The laws protect each and every one of us.

If you believe or feel that you are being treated differently because of your ethnicity, your national origin, or your color, we at the Chavez Law Firm stand ready to provide you all the information you need for your potential claim. All you have to do is give us a call and we'll set up an appointment to speak with you.

What Should I Know About Filing a Discrimination Claim in Texas?

Oftentimes, people seeking information or assistance in illegal employment discrimination cases are curious about how to begin the process of filing a complaint. The very first thing that you should do is find an experienced trial lawyer with experience in this area of the law because it can be complicated. You could conceivably file your own complaint directly with your employer, but that is a mistake. Oftentimes, clients don't know how to correctly and legally make the complaint so that it gets the attention of Human Resources or the lawyers who work for the employer.

The very best thing that one can do is first hire a trial lawyer experienced in this area of the law, so that they can help you through the process of filing the complaint internally and externally, such as with the Equal Opportunity Commission when appropriate. We at the Chavez Law Firm stand ready to provide you with the information you need to make the right choices and to answer your questions. All you need to do is give us a call so we can set you up with an appointment.

Can I File for Gender Discrimination?

Our nation's laws and our state laws protect employees from being treated differently because they are either a man or a woman. Discrimination can take many forms. If a woman is paid, say, \$0.72 on the dollar for the exact same work that a man does, that is a difference in treatment and that is discrimination. If women are held to a higher or different standard for purposes of discipline, compared to a man or vice versa, that is illegal discrimination.

What's important for you to do, if you are in this situation, is find and hire an attorney with extensive trial experience in this area of the law. If the company or the employer were to retaliate against you, a lawyer can work to get your job back, recoup lost wages, and receive full and fair compensation for all the emotional trauma that the employer and their supervisor, managers or other employees have caused you.

We stand ready, at the Chavez Law Firm, to answer your questions in this regard.

What is a Hostile Work Environment?

A hostile work environment can take many different forms, and they're all illegal under our nation's laws and our state's laws. A hostile work environment can be one that is sexually hostile. A workplace can also be a racially hostile environment in which employees of one national origin or ethnicity are harassing employees of a different national origin or ethnicity. In yet other scenarios, workplaces can involve harassment due to age.

If you find yourself in this sort of situation, the first thing you should do is find and hire an attorney with extensive trial experience and experience in this area of the law. They can guide you through the process of reporting this illegal harassment, not only internally but also externally with the Equal Opportunity Commission.

If you or one of your loved ones finds yourselves in one of these situations, give the Chavez Law Firm a call. We stand ready, willing and able to provide you the information you need to make the right choices and to answer your questions.

Can I File If I'm Being Sexually Harassed at Work?

Our nation's laws and our state laws protect employees, both men and women, from being sexually harassed at work. There's no reason that any employee needs to run some sort of sexual gauntlet just to put food on the table and pay the bills.

If you feel that you are in such a situation, the most important thing is that you find and hire an attorney who has trial experience in this area

and who is experienced in this area of the law. A trial attorney with experience in this area of the law can guide you and protect you, hopefully, one, so that you don't lose your job; two, so that the sexually harassment is stopped, and if they retaliate against you because you have complained or reported the sexual harassment, that they can protect you in trial for being terminated.

We at the Chavez Law Firm stand ready to provide you with all the information that you need going through this process and to answer your questions. All you need to do is call us and set up an appointment so that we can talk to you.

What is Wrongful Termination?

Wrongful termination is the firing of an employee for any reason that is illegal under the law. It could be discrimination due to one's age, race, sex, or if you're a whistle blower. We at the Chavez Law Firm have extensive experience with all types of wrongful termination cases in employment, including for whistle blowers and age, race, sex and disability discrimination.

If you believe that you are in a situation in which you are being treated illegally by your employer, we stand ready to answer your questions and give you all the information you need to protect your rights and to protect your family from further harm.

Call Our El Paso Employment Law Attorney Today

Anyone who is facing harassment or discrimination in the workplace should not hesitate to report the violation and seek justice for their mistreatment. At Chavez Law Firm, our El Paso employment law attorneys can help you bring your employer's illegal actions to light and seek compensation for any emotional and financial damages you may have suffered. With more than 20 years of combined experience, your case is sure to be in excellent hands.

About the Authors

At Chavez Law Firm, community safety is our passion. Each El Paso lawyer with the firm works to uphold the laws and community safety rules that have been put in place for everyone's protection. Individuals who break the law or act against safety regulations should not get away with causing physical or emotional harm to others. Our lawyers readily take on cases of all kinds, build them up, and present strong arguments in order to maximize each client's compensation.

Chavez Law Firm

EL PASO'S PERSONAL INJURY LAW FIRM