

RONALD V. MCGUCKIN AND ASSOCIATES

Post Office Box 2126

Bristol, Pennsylvania 19007

215-785-3400 215-785-3401 (FAX)

Childproviderlaw.com (website)

PROTECTED CLASSES

FEDERAL:

Race: There is a difference between this as a biological term or a political one. Not all races are protected; only minority and/or perceived minority groups are protected here. Caucasian groups are not protected here.

Color: Many cases of discrimination occur within racial groups and are based upon the darkness and/or lightness of a persons skin. Additionally, assumptions about race and national origin are made based upon skin color.

National Origin: This area addresses many issues related to protecting individuals from other Nations. Right now the hot issue is Employment Policies and Practices regarding Language in the Workplace.

Creed: Protection in this area relates to Personal Convictions and Beliefs. Parents choosing not to immunize their children is the most significant place we see this issue in child care.

Religion: Accommodations under religious protections must be a mandate of the religion practiced and must be documented. Religious Protection does not give someone the right to preach or proselytize their religious beliefs in the workplace.

Age: Begins at age 40 and continues until a person no longer has an age! May discriminate against a person under 40 because they are "too young."

Gender: In child care this is a no win situation...Men can sue because they are the minority in this field, women can sue because they are the generally protected class. Men can not be prohibited from completing particular tasks because of societal suspicion that men in child care are perverts and the employer is trying to protect him from accusations.

Pregnancy: An amendment to Title VII: Pregnancy Discrimination Act prohibits discrimination based upon pregnancy, pregnancy related conditions including infertility. Pregnancy related medical conditions must be documented and accommodated.

Disability: The Americans with Disabilities Act 1990 outlines the rights afforded to the Disabled, those presumed to be disabled, those associated with the disabled and those with a history of a disease/illness. Protection for Employees is addressed in Title I of the Act. Protection for enrolled children is addressed in Title III of the Act.

Veteran Status: Employment or Service decisions may not be based on whether or not a potential employee or client has served in the US Military.

Additional Areas which may be protected at the State and/or Local Level:

Marital Status: Protects Unmarried persons living together, single parents and people without spouses or children. Protected State-wide in DE. PA HRC refers to this as Familial Status which offers additional protection and suggest that this is protected.

Sexual Orientation/Preference: NJ protects State-wide. Various Counties in many states across the nation protect under sexual orientation as well. Check your local and/or state government to see if this is protected where you work and live.