

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

QUICK FACTS FOR EMPLOYERS

QUESTION: DOES THE ALASKA AND FEDERAL EMPLOYMENT ANTI-DISCRIMINATION LAWS APPLY TO MY BUSINESS?

- ▶ **YES!** If you have least one employee, You are covered by Alaska's Anti-Discrimination Statute 18.80.220 and the Federal law that requires employers to provide equal pay for equal work to male and female employees.
- ▶ If you have at least **15 employees:** You are covered by the federal laws that prohibit discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability and genetic information (including family medical history). You are also covered by the law that requires employers to provide equal pay for equal work.
- ▶ If you have **20 or more employees:** You are covered by the federal laws that prohibit discrimination based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability and genetic information (including family medical history). You are also covered by the law that requires employers to provide equal pay for equal work.

QUESTION: WHAT ARE MY LEGAL RESPONSIBILITIES UNDER ALASKA AND FEDERAL EMPLOYMENT ANTI-DISCRIMINATION LAWS THAT APPLY TO MY BUSINESS?

- ▶ You must provide equal pay to male and female employees who perform the same work unless you can justify a pay difference under the law.
- ▶ You cannot discriminate against or harass applicants, employees or former employees because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, marital status, changes to marital status, parenthood, or genetic information (including family medical history).
- ▶ You cannot use employment policies or practices that have a negative effect on applicants or employees of a particular race, color, religion, sex, parenthood, marital status, changes to marital status, or national origin; or applicants or employees with disabilities unless the policies or practices are related to the job and necessary for the operation of your business.
- ▶ You cannot use employment policies or practices that have a negative effect on applicants or employees based on their age (40 or older under federal law) unless the policies or practices are based on a reasonable factor other than age.

- ▶ You may be required to provide reasonable accommodations (changes to the way things are normally done at work) because of an applicant's or employee's religious beliefs or disability.
- ▶ In general, you cannot request medical or genetic information from applicants. You may request medical or genetic information from employees only in limited circumstances.
- ▶ If you legally obtain medical or genetic information, you must keep it confidential, with very limited exceptions, and in a separate medical file.
- ▶ You cannot retaliate against (punish) an applicant, employee or former employee for reporting discrimination, participating in a discrimination investigation or lawsuit or opposing discrimination (for example, threatening to file a charge or complaint of discrimination).
- ▶ You must display a poster at your business that describes the federal employment discrimination laws. You are encouraged to display a poster at your business that describes Alaska employment discrimination laws.
- ▶ You must retain any employment records, such as applications, personnel, payroll and benefits records, as required by Alaska and federal law.
- ▶ If you have **100 or more employees**, or if you are a federal contractor with at least 50 employees and at least \$50,000 in government contracts, you are required to complete and submit an EEO-1 Report to the EEOC and the U.S. Department of Labor every year. The EEO-1 Report is a government form that requests data about the ethnicity, race and gender of your workforce.



Were you the victim of discrimination? Need to file a complaint? Looking for guidance on a discrimination issue? Contact the Alaska State Commission for Human Rights: (907) 274-4692, or (800) 478-4692, or hrc@alaska.gov, or humanrights.alaska.gov; or the U.S. Equal Employment Opportunity Commission at (800) 669-4000 or www.eeoc.gov.