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If respondent's conduct is not unlawful
under one of the theories of discrimination
discussed in this section, the EOS may

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inform the charging party that respondent's actions may be subject to challenge under Executive Order 11246, or under one of the old Civil Rights statutes (42 U.S.C. §§ 1981, 1983, 1985). The EOS may advise the charging party to consult a private attorney, however, (s)he should not give his/her opinion of whether the respondent's actions were in fact in violation of ...

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The pinnacle of anti-employment discrimination law in the USA is Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin. In this section, two theories are laid out: disparate treatment and disparate impact.

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discrimination in employment is illegal when the treatment is based on a personal characteristic or status such as sex or race which is protected under anti discrimination laws since the law prohibits

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This book provides an introduction to the field of employment discrimination law, both at the abstract level of theory and at the concrete level of doctrine. It is as much an introduction for experienced lawyers and scholars who come to this field with a thorough knowledge of other aspects of the law as for law students who have just begun preparing for their careers.

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employment discrimination laws are clear in stating that employment discrimination is unacceptable and illegal specifically companies cannot legally discriminate against people applicant or employee because of that persons race color religion sex including gender identity sexual orientation and pregnancy national origin age 40 or older disability or genetic information

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Discrimination Law: Theory and Context provides detailed discussion of recent key case law and legislative developments in disability and age discrimination including the Employment Equality (Age) Regulations 2006 and contains all other relevant legislation such as the Civil Partnership Act 2004.

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theories to determine if laws prohibiting
discrimination have been violated
disparate treatment disparate impact the
following pages discuss these two theories

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Employment Discrimination Law is an innovative new skills-based text designed for flexible use. To add a skills component to lecture courses, it can be used in conjunction with traditional casebooks, and is also an ideal text for a free-standing practicum or seminar. Employment Discrimination Law functions as a "course in a box" providing readers with basic background law, including constitutional and statutory law governing the employment relationship; general drafting principles important to lawyers in any field as well as an overview of drafting issues specific to employment discrimination law; an introduction to the

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key research strategies and sources; an overview of the ethical issues likely to arise; and a solid preview of client counseling, negotiation strategy, and preventative lawyering. The text features a combination of text, sample documents, checklists, charts, and exercises. These well-crafted exercises, for students to complete individually or in groups, range from discrete questions to be researched and answered in a 5-minute small-group class session to much more detailed problems that could serve as final evaluative documents. Employment Discrimination Law is an innovative new skills-based text designed for flexible use. To add a skills component to lecture courses, it can be used in conjunction with traditional casebooks, and is also an ideal text for a free-standing practicum or seminar. Employment Discrimination Law functions as a "course in a box" providing

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readers with basic background law, including constitutional and statutory law governing the employment relationship; general drafting principles important to lawyers in any field as well as an overview of drafting issues specific to employment discrimination law; an introduction to the key research strategies and sources; an overview of the ethical issues likely to arise; and a solid preview of client counseling, negotiation strategy, and preventative lawyering. The text features a combination of text, sample documents, checklists, charts, and exercises. These well-crafted exercises, for students to complete individually or in groups, range from discrete questions to be researched and answered in a 5-minute small-group class session to much more detailed problems that could serve as final evaluative documents.

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This is the 2007 supplemental text to
Rutherglen & Donohue's Employment
Discrimination: Law and Theory.

This is the 2011 Supplement to Rutherglen
and Donahue's Employment
Discrimination, Law and Theory, 2d
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This book provides an introduction to the
field of employment discrimination law,
both at the abstract level of theory and at
the concrete level of doctrine. It is as
much an introduction for experienced
lawyers and scholars who come to this
field with a thorough knowledge of other
aspects of the law as for law students who
have just begun preparing for their careers.
The leading decisions of the Supreme
Court receive a comprehensive analysis, in
terms both of theory and doctrine, putting
them in the context of the relevant

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statutory provisions and other judicial decisions. This book offers three different theoretical perspectives-based on history, economics, and critical social theory-to explain both the complexities and the tensions inherent in existing law. The new edition of this book addresses several major developments in the field. Liability for retaliation has largely expanded under Title VII and other statutes, some of which do not explicitly prohibit this form of discrimination. The Supreme Court continues to refine the requirement of proof of intentional discrimination in individual cases, relying outside of the main prohibitions in Title VII on a test of "but for" causation. In class actions, the decision in Wal-Mart Stores, Inc. v. Dukes has redefined the circumstances in which a class action can be certified and re-examined how the procedural requirements for certification interact with

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the merits of the plaintiff's claims.

Affirmative action has come under renewed scrutiny in two decisions by the Supreme Court in *Fisher v. University of Texas*, resulting in ambivalent signals about the standards for assessing the constitutionality of affirmative action plans. The Court's decisions on gay marriage have implications for the coverage of the laws against employment discrimination, as revealed by recent controversies over transgender rights. All of these major developments, and others as well, are covered in the new edition of this book.

This is the 2008 supplemental text to Rutherglen & Donohue's *Employment Discrimination: Law and Theory*.

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Marrying legal doctrine from five pioneering and conversant jurisdictions with contemporary political philosophy, this book provides a general theory of discrimination law. Part I gives a theoretically rigorous account of the identity and scope of discrimination law: what makes a legal norm a norm of discrimination law? What is the architecture of discrimination law? Unlike the approach popular with most textbooks, the discussion eschews list-based discussions of protected grounds, instead organising the doctrine in a clear thematic structure. This definitional preamble sets the agenda for the next two parts. Part II draws upon the identity and structure of discrimination law to consider what the point of this area of law is. Attention to legal doctrine rules out many answers that ideologically-entrenched writers have offered to this question. The real point of

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discrimination law, this Part argues, is to remove abiding, pervasive, and substantial relative group disadvantage. This objective is best defended on liberal rather than egalitarian grounds. Having considered its overall purpose, Part III gives a theoretical account of the duties imposed by discrimination law. A common definition of the antidiscrimination duty accommodates tools as diverse as direct and indirect discrimination, harassment, and reasonable accommodation. These different tools are shown to share a common normative concern and a single analytical structure. Uniquely in the literature, this Part also defends the imposition of these duties only to certain duty-bearers in specified contexts. Finally, the conditions under which affirmative action is justified are explained.

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This book provides a general theory of discrimination law as practised in liberal democratic jurisdictions. Rejecting accounts that place the value of equality at the heart of the law, it argues that discrimination law protects individual autonomy. Applying the theory, the book tackles the central legal problems in applying discrimination laws.

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