



FCRA WAGE PROJECT
CHAPTER 8: DISCRIMINATORY HIRING POLICIES
[ALL-IN-ONE DOCUMENT]

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FCRA WAGE PROJECT

CHAPTER: 8 DISCRIMINATORY HIRING POLICIES

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ITEMS: A through F



8-0 | CHAPTER INTRO - DISCRIMINATORY HIRING POLICIES

I wasn't hired because I'm a woman.

- a. I think I wasn't hired because I'm a woman, how do I prove it?
- b. Must I prove that I didn't get the job because of my sex, and not my qualifications? If so how?
- c. What could my employer do to deny my allegations, and how do I respond to its denials?
- d. Does it matter when the discrimination occurred?
- e. What options do I have if I my employer has fewer than fifteen employees?
- f. If I prove my hiring discrimination claim, what kind of remedies am I entitled to?

(unknown authors)



8-A | I THINK I WASN'T HIRED BECAUSE I'M A WOMAN, HOW DO I PROVE IT?

To prove discriminatory hiring, you must show that:

1. you are a member of a protected class (as a woman, you are);
2. you applied and were qualified for a position for which the employer was accepting applications;
3. despite your qualifications, you were not hired; and
4. the position remained open or was filled by a man.^{[54](#)}

(unknown authors)

Footnotes

⁵⁴ EEOC v. Joe's Stone Crabs, Inc., 296 F.3d 1265, 1273 (11th Cir. 2002).



**8-B | HOW CAN I PROVE THAT I DIDN'T GET THE JOB BECAUSE OF MY SEX,
AND NOT MY QUALIFICATIONS?**

Since women are a protected class, one way of showing that you were discriminated against is that the employer engaged in a pattern of discriminatory behavior. Furthermore, even if you didn't apply, you can demonstrate that you had an interest in the position but you were deterred from applying due to the employer's discriminatory practice.⁵⁵

(unknown authors)

Footnotes

⁵⁵ Id. at 1270, 1274-1275.



8-C | WHAT COULD MY EMPLOYER DO TO DENY MY ALLEGATIONS, AND HOW DO I RESPOND TO ITS DENIALS?

Once you establish your case, your employer must give a legitimate, nondiscriminatory reason for its actions. You must then show that the reasons your employer has provided for its actions are merely a pretext for discrimination.⁵⁶

(unknown authors)

Footnotes

⁵⁶ Id. at 1272-1273.



8-D | DOES IT MATTER WHEN THE DISCRIMINATION OCCURRED?

You must file a complaint within 365 days of the alleged violation.^{[57](#)}

(unknown authors)

Footnotes

⁵⁷ Fla. Stat. Ann. §760.11(1).



8-E | WHAT OPTIONS DO I HAVE IF I MY EMPLOYER HAS FEWER THAN FIFTEEN EMPLOYEES?

While the FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm) only covers employers who have fifteen or more employees, some cities have ordinances which cover employers with fewer workers. (See the Local Ordinances section) ([link to Ideas For Change](#))

(unknown authors)

8-F | IF I PROVE MY HIRING DISCRIMINATION CLAIM, WHAT KIND OF REMEDIES AM I ENTITLED TO?

If a determination of a violation of the FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm) is made, damages you are eligible to receive include back pay, compensatory damages (including damages for mental and dignitary injury), reasonable attorney's fees, and up to \$100,000 in punitive damages in a civil action.⁵⁸ An employer's liability for back pay is limited to two years.⁵⁹

(unknown authors)

Footnotes

⁵⁸ Fla. Stat. Ann. §760.11(5).

⁵⁹ Fla. Stat. Ann. §760.11(9).



APPENDIX



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