



**FCRA WAGE PROJECT
CHAPTER 10: DISCRIMINATORY FIRING
[ALL-IN-ONE DOCUMENT]**

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CHAPTER: 10 DISCRIMINATORY FIRING

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ITEMS: A through E



10-0 | CHAPTER INTRO - DISCRIMINATORY FIRING

I think I was fired because I'm a woman.

- a. I think I was fired because I'm a woman, how do I prove it?
- b. For what reasons can I be fired?
- c. Are women a "protected class"?
- d. How do I show that my legally protected class led to my discharge?
- e. What could my employer do to deny my allegations, and how do I respond to its denials?
- f. Does it matter when the discrimination occurred?
- g. What options do I have if my employer has fewer than fifteen employees?
- h. If I prove my wrongful termination claim, what kind of remedies am I entitled to?

(unknown authors)



10-A | I THINK I WAS FIRED BECAUSE I'M A WOMAN, HOW DO I PROVE IT?

To establish unlawful termination through circumstantial evidence, you must prove that:

1. you are a member of a protected class;
2. you were qualified for, and adequately performed, your job;
3. you were terminated from your job; and
4. your employer had a continued need for someone to perform the same work after your were terminated.⁶⁶

(unknown authors)

Footnotes

⁶⁶ Kelly v. K.D. Construction of Florida, Inc., 866 F. Supp 1406, 1411 (S.D. Fla. 1994).



10-B | FOR WHAT REASONS CAN I BE FIRED?

Rejection of an applicant or termination of an employee when the individual has failed to meet bona fide requirements for the position is not unlawful.⁶⁷ Furthermore, employee misconduct is also a justifiable reason for termination.⁶⁸

(unknown authors)

Footnotes

⁶⁷ Fla. Stat. Ann. §760.10(8)(b).

⁶⁸ Brown Distributing Company of West Palm Beach v. Marcell, 890 So. 2d 1227, 1231 (Fla. 4th Dist. App. 2005)



10-C | ARE WOMEN A "PROTECTED CLASS"?

Yes, as a woman you are considered to be in a protected class.^{[69](#)}

(unknown authors)

Footnotes

⁶⁹ Scelta, 57 F. Supp. 2d. at 1340.



10-D | HOW DO I SHOW THAT MY LEGALLY PROTECTED CLASS LED TO MY DISCHARGE?

You must show that a discriminatory reason more likely than not led to your termination. For example, if you were terminated for a particular workplace violation that Doesn't warrant termination for male employees, this may be enough to demonstrate that you were fired for a discriminatory reason.⁷⁰

(unknown authors)

Footnotes

⁷⁰ Kelly, 866 F. Supp. at 1412-1413.



10-E | WHAT COULD MY EMPLOYER DO TO DENY MY ALLEGATIONS, AND HOW DO I RESPOND TO THEIR DENIALS?

Once you establish your case, your employer must state a legitimate, non-discriminatory reason for your discharge. You must then prove that the discriminatory reason was a significant or motivating factor in your employer's decision.⁷¹

(unknown authors)

Footnotes

⁷¹ Id. at 1412.



APPENDIX



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