Discrimination in Employment is Prohibited if Based on These Protected Classes

| Age (all ages) | Religion, Creed | Physical or Mental Disability | Mental Status | Race, Color, National Origin | Sexual Orientation | Disability |

What is Illegal Discrimination?
The following practices (if based on one or more of the above classes) are illegal:
- To discharge, to refuse to hire, or to discriminate against a person with respect to compensation or privileges of employment.
- To deny a reasonable accommodation to an employee following the conduct described in the preceding paragraph.
- For labor unions to deny membership or otherwise discriminate against a person or group.
- For employer agencies to fail to refer to employees for employment.
- To retaliate against a person who filed a complaint, participated in an investigation or opposed discriminatory practices.

Lawyer Alert!
- Questions on applications should be related to skills, experience, and education important to performing the job.
- Anyone who lives one or more persons in a family is subject to the Montana Human Rights Act.
- Avoid questions about an applicant’s race, age, religion, medical condition, marital status, or family responsibilities.

Sexual Harassment & Unlawful Harassment
Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:
- Submission to, or rejection of, the conduct is explicitly or implicitly made a term or condition of employment.
- Submission to, or rejection of, the conduct is used as the basis for an employment decision.
- The conduct has the effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive work environment.

Examples of Sexual Harassment
- Proposals or pressure to engage in sexual activity.
- Repeated sexual jokes, innuendoes or comments.
- Constant leering or staring.
- Inappropriate comments concerning appearance.

What You Should Do
If you are offered sexual favors, compare, or sexual or gender-based conduct in your workplace, immediately inform your supervisor. If your complaints are not resolved, or your supervisor is the alleged harasser, you should take the following steps:
- Report the sexual harassment to another supervisor or your employer.
- Keep written records of the dates and facts of all sexual harassment and the names of any employees involved.

Employer Alert!
Employers may be liable for monetary compensation and other forms of relief to employees who are victims of sexual harassment by:
- The owner or manager.
- Supervisors, whether or not the employee knew of the sexual harassment.
- Co-workers and non-employees in the workplace, when the employer knew, or should have known of the sexual harassment and failed to take immediate corrective action.

Harassment based on any protected class is unlawful discrimination!

Pregnancy & Breastfeeding
Pregnant Employees Have These Rights

- Reasonable accommodation in hiring.
- Continued employment during pregnancy.
- Reasonable maternity leave.
- No mandated unreasonable leave.
- Use of accrued benefits and leave time.
- Equal treatment in employee benefits and plans.
- Reimbursement after maternity leave.
- Employer must provide reasonable accommodations as they would for any other employee with medical limitations.

What is Reasonable Maternity Leave?
It is determined on a case-by-case basis. In the case of normal pregnancy and delivery, medical providers typically consider a woman ready to return to work 6-8 weeks after delivery.

- Rely on the judgment of the employer's physician or other medical provider.
- An accommodation is required to provide medically necessary maternity leave for the period of the employee’s actual disability.
- An employee may require the employee to provide medical verification.

Employer Alert!
- Know your company's disability benefit policies and policies regarding leave.
- Communicate with your pregnant employee about the anticipated timeline for matter leave and let it to writing.