



## **كلية العلوم قسم الانظمة الطبية الذكية**

**Lecture: ( 9 )**

**Healthcare Systems Administration**

**Subject: Employment Discrimination**

**Level: Fourth**

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## **Introduction**

- **Definition of Employment Discrimination**

**Employment Discrimination** refers to the unfair treatment of individuals in the workplace based on characteristics such as race, gender, age, disability, religion, national origin, sexual orientation, or other protected attributes. This discriminatory behavior can manifest in hiring practices, compensation, promotions, job assignments, and other aspects of employment.

**Key Concept:** Discrimination in employment violates both ethical standards and legal protections that ensure fair and equal treatment for all employees, regardless of their personal characteristics.

- **Importance of Addressing Employment Discrimination in Healthcare**

Healthcare organizations, like any other workplace, must foster a culture of inclusion and equity to provide high-quality care to patients. Employment discrimination in healthcare can lead to:

**Diminished patient care:** Discrimination within the workforce may lead to biased attitudes, affecting the quality of patient interactions and care delivery.

**Legal consequences:** Healthcare organizations may face lawsuits, penalties, and reputation damage if found guilty of discriminatory practices.

**Workforce issues:** Discriminatory practices can lead to low morale, reduced productivity, and high employee turnover.

## **Types of Employment Discrimination**

Employment discrimination can occur in various forms. Here are some of the most common types:



### **A. Discrimination Based on Race or Ethnicity**

Description: Discriminatory practices based on a person's racial or ethnic background. This includes:

Unfair treatment in hiring, promotions, or job assignments.

Stereotyping or making biased assumptions based on race or ethnicity.

Example: A qualified individual is passed over for a job opportunity in favor of someone from a different racial background.

### **B. Gender and Sex Discrimination**

Description: Treating an employee unfairly based on their gender or sex. This type of discrimination can affect hiring decisions, pay, promotions, or job responsibilities.

Example: A woman being paid less than a man for performing the same job, or a male employee being excluded from a management role due to his gender.

### **C. Age Discrimination**

Description: Discrimination against an employee or job applicant based on their age, particularly when they are over 40 years old.

Example: Older employees being passed over for training, promotions, or job opportunities in favor of younger employees.

### **D. Disability Discrimination**

Description: Discriminating against individuals with physical or mental disabilities, whether in hiring practices, job performance evaluations, or accessibility accommodations.

Example: An employee with a disability is not provided with reasonable accommodations for their condition, such as a wheelchair-accessible workstation.



#### **E. Religious Discrimination**

Description: Treating an individual unfairly because of their religious beliefs or practices.

Example: A healthcare facility refusing to allow an employee to take time off for religious holidays or preventing an employee from wearing religious attire at work.

#### **F. Sexual Orientation and Gender Identity Discrimination**

Description: Discrimination against individuals based on their sexual orientation or gender identity.

Example: A lesbian, gay, or transgender employee being harassed, denied promotions, or subjected to biased treatment due to their sexual orientation or gender identity.

#### **G. National Origin Discrimination**

Description: Discrimination against an individual based on their country of origin, ethnicity, accent, or perceived cultural background.

Example: A healthcare organization failing to hire qualified individuals because of their accent or national origin.

### **Key Laws Addressing Employment Discrimination**

Various laws have been enacted to protect employees from discrimination in the workplace. The following are key federal laws in the United States that address employment discrimination:

#### **A. Title VII of the Civil Rights Act of 1964**

Overview: Title VII prohibits discrimination in employment based on race, color, religion, sex, or national origin.



Provisions:

Employers are prohibited from discriminating against employees or job applicants on the basis of the protected categories listed above.

The law applies to private employers, state and local governments, labor organizations, and employment agencies.

Example: A healthcare employer is found guilty of not hiring a qualified applicant because of their religion, which violates Title VII protections.

### **B. The Equal Pay Act of 1963**

Overview: The Equal Pay Act mandates that men and women receive equal pay for equal work, regardless of gender.

Provisions:

Employers are prohibited from paying employees differently based on their gender for performing the same tasks under similar conditions.

Example: A female nurse at a healthcare facility is paid less than her male counterpart for performing the same duties, which would violate the Equal Pay Act.

### **C. The Age Discrimination in Employment Act (ADEA) of 1967**

Overview: The ADEA prohibits employment discrimination against individuals aged 40 and older.

Provisions:

Employers cannot discriminate based on age in hiring, firing, promotions, or compensation decisions.

Example: A healthcare organization cannot fire a nurse simply because they are over 50 years old or fail to hire older job applicants due to their age.



#### **D. The Americans with Disabilities Act (ADA) of 1990**

**Overview:** The ADA prohibits discrimination against individuals with disabilities and requires employers to provide reasonable accommodations to employees with disabilities.

**Provisions:**

Employers must make reasonable adjustments (e.g., accessible workspaces, modified schedules) to allow individuals with disabilities to perform their jobs.

**Example:** A healthcare facility is required to provide accessible entrances or assistive technologies for employees with disabilities.

#### **E. The Family and Medical Leave Act (FMLA) of 1993**

**Overview:** The FMLA grants eligible employees the right to take unpaid leave for specific family and medical reasons without fear of losing their job.

**Provisions:**

Employees can take up to 12 weeks of unpaid leave for reasons such as the birth of a child, a serious health condition, or to care for a family member.

**Example:** A healthcare worker is allowed to take FMLA leave to care for an ill family member, without being penalized or facing job termination.

#### **F. The Genetic Information Nondiscrimination Act (GINA) of 2008**

**Overview:** GINA protects individuals from discrimination based on their genetic information.

**Provisions:**

Employers are prohibited from using genetic information in hiring, firing, or job assignments.

**Example:** An employee cannot be denied a promotion or job opportunity because of a genetic predisposition to certain health conditions, such as cancer.



### **Legal Recourse for Employment Discrimination**

Employees who believe they have been subjected to discrimination have several options for recourse:

#### **A. Filing a Complaint**

Employees can file a complaint with the Equal Employment Opportunity Commission (EEOC), which investigates allegations of discrimination.

The EEOC can help resolve complaints through mediation, investigation, and lawsuits if necessary.

#### **B. Lawsuits and Legal Actions**

In certain cases, employees can pursue a lawsuit against their employer for discrimination. Legal remedies may include compensation for lost wages, emotional distress, and punitive damages.

#### **C. Protections Against Retaliation**

Employees who report discrimination are protected from retaliation by their employer. This includes firing, demoting, or harassing an employee for filing a discrimination complaint.

### **Preventing Employment Discrimination in the Workplace**

#### **A. Creating an Inclusive Work Environment**

**Diversity Training:** Employers should implement training programs to increase awareness about discrimination and bias and to promote an inclusive workplace.

**Clear Policies:** Establish clear anti-discrimination policies that outline the steps employees can take if they experience discrimination and the consequences for discriminatory behavior.



### **B. Ensuring Equal Opportunities**

**Fair Hiring Practices:** Healthcare organizations should ensure that their hiring and promotion practices are fair and free from bias. This includes implementing standard interview processes, using objective criteria for hiring decisions, and regularly reviewing recruitment strategies.

**Employee Resource Groups:** Encouraging the formation of resource groups can help employees from underrepresented groups feel supported and ensure their voices are heard within the organization.

### **C. Encouraging Reporting and Accountability**

**Open Channels:** Establish confidential reporting mechanisms where employees can report instances of discrimination without fear of retaliation.

**Timely Investigations:** Investigate complaints promptly and fairly to prevent further instances of discrimination and take appropriate corrective actions.