

# TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

## Can It Help You?

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Richard Celler



Although the United States has come a long way over the last 50 years in terms of combatting discrimination that was once commonplace in all facets of the American life, we have yet to completely eradicate discrimination in America. One of the most powerful tools in the anti-discrimination arsenal has been the Civil Rights Act of 1964. For employees, job applicants, and even former employees, Title VII of the Civil Rights Act is particularly important as that is where many of the most important federal employment discrimination laws can be found. Title VII is a complex and ever-evolving set of laws and procedures, making it important to consult with an experienced Florida employment law attorney for specific advice and guidance; however, a basic understanding of Title VII may assist you in deciding if it can help you.

## HISTORY OF THE CIVIL RIGHTS ACT

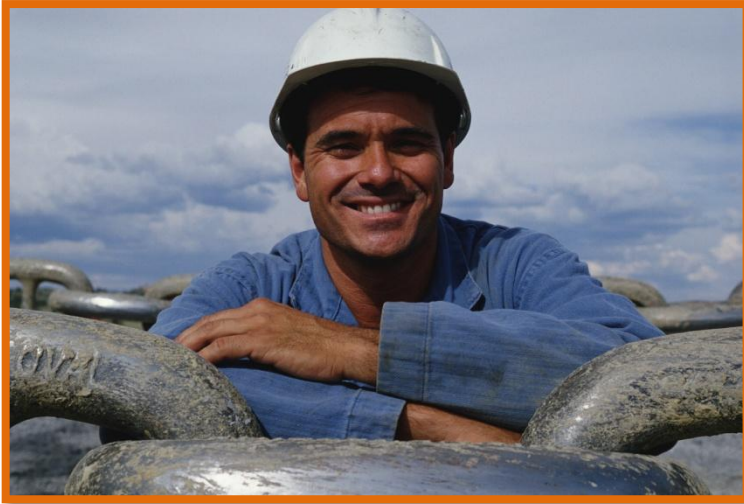
The 1960s in the United States was a decade of profound changes. The seeds of change were planted during the beginning of the decade and continued to grow and flourish. The conflict in Vietnam turned an entire generation into political activists. More and more women began to question gender stereotypes and it readily became clear that the doctrine of “separate but equal” was not going to work anymore. One of the biggest seeds planted during the 1960s was the Civil Rights Act of 1964. Although it did not change things overnight, it remains a cornerstone of the anti-discrimination movement that began during the turbulent 1960s in America.

The Civil Rights Act was largely the result of President John F. Kennedy’s crusade to end discrimination in the United States. During President Kennedy’s civil rights speech given on June 11, 1963 he asked Congress for legislation “giving all Americans the right to be served in facilities which are open to the public—hotels, restaurants, theaters, retail stores, and similar establishments” along with “greater protection for the right to vote”. Sadly, President Kennedy was assassinated before his wish was granted; however, his successor, President Lyndon B. Johnson, signed the Civil Rights Act of 1964 into law on July 2, 1964.

## THE CIVIL RIGHTS ACT – AN OVERVIEW

By the turn of the 21<sup>st</sup> century the concept of legalized discrimination was almost unheard of in the United States. That is not to say that discrimination does not

continue to occur; however, anyone living in the U.S. is aware that there are a number of federal laws that make it a crime to discriminate. When the Civil Rights



Act was passed, however, discrimination was not only common but was also legal. The goal of the Civil Rights Act was to change that by bringing legal, if not actual, equality to everyone in the United States. The Act focused on discrimination in the workplace and in public

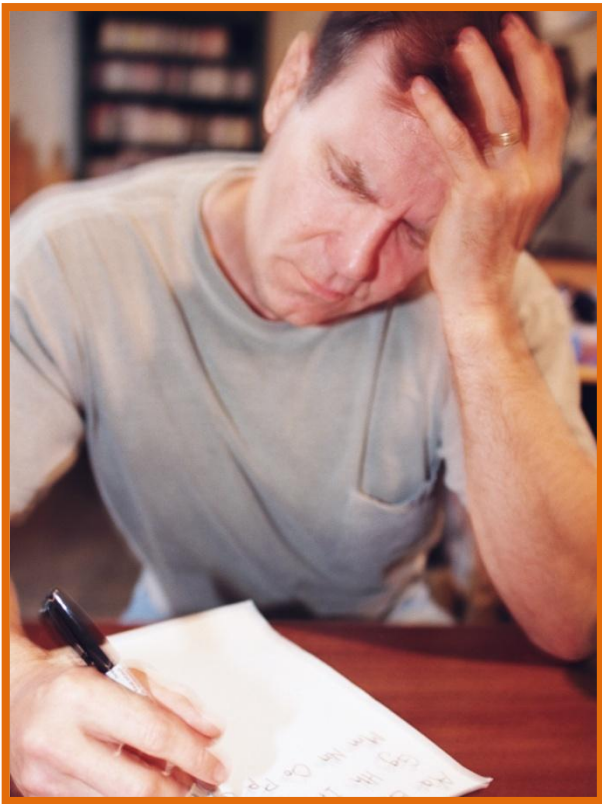
accommodations, ending segregation in public schools and on eliminating the unequal application of voter registration requirements. Title VII is where the prohibitions against discrimination in the workplace can be found.

## WHAT EMPLOYERS ARE COVERED?

One of the most important things to understand about Title VII is that it does *not* apply to all employers. Only employers engaged in an industry affecting commerce who have at least 15 employees for each working day for 20 or more weeks in the current or preceding calendar year are subject to the prohibitions and protections found in Title VII. Title VII *does* apply to local, state, and federal governments as well as to private and public colleges and universities, employment agencies, and labor organizations. Title VII does *not* apply to the following:

- Indian tribes. 42 U.S.C. 2000e(b)
- Private member clubs which are exempt from taxation. 42 U.S.C. 2000e(b).
- Employers of foreign nationals outside the United States. 42 U.S.C. 2000e(f)
- Employment by religious organizations of certain employees. 42 U.S.C. 2000e-1.

## WHAT CONDUCT IS PROHIBITED?



Title VII prohibits a covered employer from discriminating in any aspect of employment if that discrimination is based on a covered class or characteristic. The prohibition applies to hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Retaliation on the part of an employer may also be covered under Title VII. If a victim of employment discrimination chooses to report discriminatory conduct to a supervisor, pursue litigation, or otherwise

assert his or her rights, and the employer retaliates against the employee, that retaliatory conduct is also specifically prohibited under Title VII.

## WHAT CHARACTERISTICS OR CLASSES ARE PROTECTED?

Contrary to what many people believe, not all acts of employment discrimination are prohibited by Title VII. For discrimination in the workplace to be illegal the basis of the discrimination must fall into one of the following covered classes or characteristics:

- **Race**
- **Color**
- **Religion**
- **Gender**
- **National Origin**

## WHAT RECOURSE DOES A VICTIM HAVE FOR A VIOLATION OF TITLE VII?

A victim who has been discriminated against in the workplace in violation of Title VII of the Civil Rights Act of 1964 has two options for relief:

- **Filing a complaint with the EEOC.** The Equal Employment Opportunity Commission (EEOC) is the federal agency responsible for enforcing the provisions of Title VII. In many cases, filing a complaint with the EEOC is a *required* prerequisite to filing a civil lawsuit. Although the EEOC is charged with investigating all complaints, the reality is that very few complaints filed with the EEOC actually turn into formal legal action. More often than not, an

EEOC complaint is resolved through conciliation or through other informal methods.

- **Filing a civil lawsuit.** A victim of employment discrimination may be entitled to file a civil lawsuit in state and/or federal court. Often, a complaint must first be filed with the EEOC and a statutory time period must elapse first before a “Right to Sue” may be requested. If successful, a civil lawsuit may provide a victim with several different types of compensation. The type of compensation available will depend on the type of discrimination asserted and proven in the lawsuit, but may include:
  - **Liquidated damages** – liquidated damages means the victim will receive a pre-determined amount in monetary damages. For example, a victim might receive double the amount of back pay owed to the victim.
  - **Compensatory damages** – as the name implies, compensatory damages are intended to compensate the victim for actual harm. This could include things such as lost wages, medical bills, or “pain and suffering” incurred as a result of the defendant’s conduct.
  - **Punitive damages** – punitive damages are intended to punish the defendant. As such, punitive damages are only awarded when the defendant’s conduct was intentional or was particularly malicious or egregious.

Although Title VII protects victims of workplace discrimination, the law also sets strict time limits within which a victim must assert his or her rights. If you believe you have experienced discrimination in the workplace in violation of Title VII of the Civil Rights Act of 1964 it is imperative that you consult with an experienced

Florida employment law attorney right away to ensure that your right to pursue a complaint and/or litigation is not lost.

EEOC, [Title VII Civil Rights Act of 1964](#)

AAUW, [Know Your Rights: Title VII of the Civil Rights Act of 1964](#)

CNN, [What You Might Not Know about the 1964 Civil Rights Act](#)

EEOC, [Civil Rights Act of 1991](#)



## About the Author



### Richard Celler

Richard Celler is the Managing Partner of Richard Celler Legal, P.A., a/k/a the Florida Overtime Lawyer. He created this firm after having served as the Founding Member and Managing Partner of one of the largest employee/plaintiff side employment law divisions in the United States.

In November 2013, Mr. Celler left big firm life with the idea of reopening his own litigation firm with an emphasis on something most big firms cannot provide – a lower volume of cases, and more focus on the needs and attention of every single client.

Mr. Celler's practice focuses on all areas of the employment context from discrimination, harassment, and retaliation under the Florida Civil Rights Act, Title VII, the Family Medical Leave Act, and other employment related statutes. Additionally, Mr. Celler represents individuals in whistleblower and wage and hour litigation (overtime, minimum wage, commissions, final paychecks).

Many firms charge clients for an initial consultation to discuss their claims. Mr. Celler does not. You can call him or email him to discuss your case for free. If he elects to represent you, your case will be handled on a contingency basis, which means that he only gets paid, if you get paid. We encourage you to look at the remainder of our website for information on your rights and benefits in the workplace – [www.floridaovertimelawyer.com](http://www.floridaovertimelawyer.com).

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