

## **I have been fired for a reason I think is unfair. Can I get my job back?**

Probably not. In Indiana, you can usually be fired for any reason or for no reason at all. This is known as “employment at will.” Unless you have a contract to work for a certain amount of time, you can usually be fired for no reason. You may not be able to do anything about being fired, but you can apply for unemployment compensation.

However, your employer may not fire you because of your race, color, religion, sex, national origin, disability, or age. Your employer cannot discriminate for these reasons in any part of employment including: hiring, firing, pay, transfers, promotions, benefits, retirement plans, etc.

## **Can my employer fire me because I am getting older?**

No. Federal and state laws say that employers cannot fire or refuse to hire someone over 40 because of his or her age. Indiana state law prohibits firing or refusing to hire workers because of their age if they are between 40 and 70. The federal law forbids discrimination against workers over age 40.

## **I think a company would not hire me because of my husband’s race. Can the employer do that?**

No. An employer cannot discriminate against you because of the race, color, religion or national origin of you or of your spouse.

## **My employer has a rule that everyone must speak English at work. Is this discrimination?**

Maybe. A rule requiring English only might be discrimination unless English is necessary for doing the job.

## **What should I do if I think I have been discriminated against for one of these reasons?**

If you believe you have been fired or mistreated by your employer because of your race, color, religion, national origin, disability or age, you can make a complaint at the following agencies:

Equal Employment Opportunity  
Commission  
(EEOC)  
101 W. Ohio St. Suite 1900  
Indianapolis, IN 46204  
(800) 669-4000  
(317) 226-7212

Indiana Civil Rights Commission  
100 N. Senate Rm. N103  
Indianapolis, IN 46204  
(800) 628-2909  
(317) 232-2600

Indiana Division of Labor  
402 West Washington St. Room 195  
Indianapolis, IN 46204-2287  
(317) 232-2378  
(317) 232-2673

You must file a complaint with the EEOC before you can file a lawsuit for discrimination. There are strict time limits for filing with the EEOC. Usually, you must file your claim within 180 days of the discriminatory action. If you do not file in time, you can lose your right to file. You should make your claim as soon as possible if you think you have been discriminated against.

## **Can I sue my former employer in court if I think I have been discriminated against?**

You may be able to file a discrimination suit against your former employer. First you will need to file a complaint with the EEOC. After the EEOC finishes its investigation, it will either file a lawsuit for you or tell you that you can file a lawsuit yourself. The EEOC will also tell you whether or not it found discrimination in your case.

## **What will I need to do to show discrimination?**

You will need to prove that you were treated differently because of your race, color, sex, national origin, religion or age. You will need documents or witnesses that prove that your employer has discriminated against you.

## Can my employer fire me if I complain about safety problems at work?

You cannot be fired for exercising a right or duty such as reporting safety or health problems. However, it is important that you make your reports to the right agencies in order to protect your rights if you are fired. If you are fired for doing something the law requires/allows you to do, you may be able to sue your employer for firing you. If you win your case, the other side may have to pay your attorney fees. Be sure to keep a record of any reports you make to any agencies about safety or health problems at your job. You should immediately make a complaint to your local OSHA (Occupational Safety and Health Act) office if you believe you are fired for reporting safety or health problems.

## Can I quit my job for any reason?

Generally, you can quit your job any time you want. If you have an employment contract or a union contract that both you and your employer have negotiated and signed you should look at your contract for information about quitting. Remember that if you quit without giving 2 weeks notice, your former employer may tell future employers that you quit without notice. This could hurt your chances of getting another job. You should try to give 2 weeks notice before you quit if possible.

It is more difficult to get unemployment compensation if you quit your job, and you may lose some public benefits if you quit

your job. These are things to think about before you quit.

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### *ILS Office Contact Numbers*

**Bloomington:** (812) 339-7668  
1-800-822-4774

**Hammond:** (219) 853-2360

**Columbus:** (812) 372-6918  
1-866-644-6407

**Indianapolis:** (317) 631-9410  
1-800-869-0212

**Evansville:** (812) 426-1295  
1-800-852-3477

**Lafayette:** (765) 423-5327  
1-800-382-7581

**Fort Wayne:** (260) 424-9155  
1-888-442-8600

**New Albany:** (812) 945-4123  
1-800-892-2776

**Gary:** (219) 886-3161  
1-888-255-5104

**South Bend:** (574) 234-8121  
1-800-288-8121

# Job Discrimination

Prepared by:

**Indiana Legal Services, Inc.**

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This pamphlet is for information only. It is **NOT** legal advice. For legal advice, contact a private attorney or a lawyer at the nearest Legal Services Office.

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Information Available on the web  
[www.indianajustice.org](http://www.indianajustice.org)