

Avoiding Discrimination Claims in Construction

Insights

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Should construction employers worry less about employee discrimination claims than employers in other industries?

Construction employees come and go, depending on the jobs and may not stay with the company long enough to develop an attachment. With such regular turnover, employees may not associate a termination with race, age, sex, national origin, etc. And with a predominantly male workforce, one would logically assume that there would be less opportunity for sex-related claims.

However, some characteristics of construction workplaces contribute to claims, and when they do occur, they tend to be doozies. Religious discrimination claims occur when contractors refuse to hire or they terminate an employee who will not work on his Sabbath. ADA claims occur because employers demand a “100 percent” or “full” release rather than requiring a release to perform “the essential functions of the job.”

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