

Protect yourself from a protected status lawsuit



| Monday, November 6, 2017

When you're selecting a candidate to fill an open position at your company, there are many variables to consider. One thing, however, that cannot factor into your hiring decision is anything about a candidate that could fall under protected status. An employer cannot make employment decisions based on protected status – even if the person has not started working at the company yet.

In this clip from a Labor and Employment Business Hour about why employers get sued (and how to avoid it) attorney Miriam Rosen gives an example of an employer who rescinded an offer to a candidate after she disclosed her pregnancy and discusses ways to avoid legal issues surrounding protected status, including:

- Make sure you are crystal clear about what the job entails in the job description.
- Do not make assumptions about what someone can or cannot do.

Marc Ayad, a summer legal and marketing intern at McDonald Hopkins, assisted with the writing of this blog.