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**BLOGS**

Archives;Class Action & Litigation;Discrimination

## Discrimination Law: Differences Matter (between state and federal law, that is)

Most people are aware that both federal and state statutes address discrimination. Most often, though, its developments in federal law that grab the headlines. Businesses of all kinds should be aware of the requirements of *both* federal and state discrimination statutes and should keep in mind that state discrimination laws can have a broader reach and pose greater risks than federal statutes.

A recent press report helps illustrate the point. A California family alleged that American Airlines discriminated in providing transportation because of the family's son, who has Down syndrome. The article states that the family may file suit under the Americans with Disabilities Act (ADA). What the article doesn't mention, however, is the possibility that the family's lawsuit may well claim violations of California's state statutes as well. Under certain circumstances, California statutes provide different rights and remedies than those in federal laws like the ADA.

Many state discrimination protections are broader than their federal counterparts, even in states without California's notoriously complex regulatory environment. In Minnesota, for example, all businesses are prohibited from discriminating in the terms, conditions, or performance of business transactions because of a person's race, national origin, color, sex, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose. Minn. Stat. 363A.17. Businesses should be aware that this provision protects even a bona fide independent contractor in the same manner that it protects employees. Minnesota's discrimination provisions including those relating to employment also protect more characteristics than federal statutes, prohibiting discrimination on the basis of marital status, public assistance status, and sexual orientation, among others.

Litigation procedures may also be more plaintiff-friendly under state laws. In Minnesota, plaintiff need not file a charge of discriminations is required under Title VII but can instead head directly to court to file a lawsuit. *See* Minn. Stat. 363A.28, Subd. 1. Many other states have anti-discrimination laws that vary from their federal counterparts, and each jurisdictions law has its own requirements, legal interpretations, and quirks.

Today, many businesses operate in more than one state. State discrimination protections are likely to continue to expand in breadth and complexity. Its important for business owners and managers to become familiar with both federal law and the laws and regulations of any state in with which they have substantial contact.