

Unemployed Anti-Discrimination Act

- Fact Sheet for Employers and Applicants -



About the Law

The Unemployed Anti-Discrimination Act of 2012 (UADA) prohibits employers, employment agencies or entities acting on an employer's behalf from discriminating against an individual applicant because they are unemployed. Individuals who believe an employer, agency or entity failed or refused to consider them for employment, or failed to hire them, because they were unemployed can file a complaint with the DC Office of Human Rights (OHR). If a violation is found, employers, agencies or entities may be required to pay a monetary penalty to the applicant. The incident must have taken place on or after the law's effective date of October 1, 2015.

Definition of Unemployed

For the purposes of this law, "unemployed" is defined as an individual who at the time of applying: (1) does not have a job; (2) is available for work; and (3) is seeking employment.

Unemployment Discrimination

Employers, employment agencies, and entities acting on an employer's behalf are prohibited from:

- Refusing or failing to consider hiring a job applicant because the individual is unemployed;
- Refusing or failing to hire a job applicant because the individual is unemployed;
- Indicating in a job vacancy announcement that an applicant will not be considered or hired because they are unemployed, or is disqualified for the job because they are unemployed; and
- Retaliating against an employee who opposes or reports a violation of this Act.

Employers, employment agencies, and entities acting on an employer's behalf may ask about, examine and consider underlying reasons for an applicant being unemployed. They may also limit consideration of applicants to those who:

- Are already employed by the employer;
- Hold a current and valid professional or occupational license;
- Have a certificate, registration, permit or other credential; and
- Meet a minimal level of education, training or professional experience.

Penalties for Violations

If the Commission on Human Rights determines a violation occurred, penalties may be imposed and awarded to the complainant. Penalties are:

- \$1000 per claimant for the first violation;
- \$5000 per claimant for the second violation;
- \$10,000 per claimant for each subsequent violation, but not to exceed \$20,000 per claimant.

Filing a Complaint of an Alleged Violation

If an applicant believes an employer, agency or entity in the District has violated this law, they can file a complaint with OHR within one year of the alleged violation. There is not a private right of action under this Act. Complaints can be filed:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

Filing a complaint with OHR is free and does not require an attorney.