

# Employers sued for discrimination by independent contractors

Two new cases show that an employer can be sued for discrimination even if the person who was discriminated against – or for that matter, the person who did the discriminating – was an independent contractor. In a case in Pittsburgh, a black woman was terminated as a sales representative for a company that made adjustable beds. She claimed this was because of racism.

A federal appeals court said that the woman couldn't sue under Title VII, the most well-known employment discrimination law, because she was a contractor, not an employee. However, she *could* sue under a different law. The other law was passed by Congress during the Civil War era and prohibits race discrimination in contracts – including employment contracts.

In another case, a company that rented apartments in Manhattan hired an independent contractor to interview people to become sales agents. An applicant sued the company after claiming that the contractor rejected him as “too old.”

The company argued that it shouldn't be liable because it didn't do anything wrong – if anyone engaged in age discrimination, it was merely the contractor, not the company.

But a federal appeals court ruled that the company could be sued for age discrimination committed by its agent – even if the agent was a contractor.

The court noted that there was a close relationship between the company and the agent, since the job interview took place in the company's offices and since the agent allegedly stated that it was the company itself that was looking for someone younger.