

Equal Remedies Act of 2024

The Problem:

Workers who prevail in employment discrimination cases cannot receive a jury's full award for the harm they suffer because of an outdated and unfair provision in a 1991 law that caps such damage awards.

[Title VII of the Civil Rights Act of 1964](#) prohibits discrimination in employment based on race, color, religion, gender, or national origin; [Title I of the Americans with Disabilities Act](#) prohibits employment discrimination based on disability and provides the same remedies as those available under Title VII. When a jury finds that an employer violated the employment anti-discrimination law, they award punitive and compensatory damages based on the facts of the case, but that limits how much the court can award the worker and forces judges to dramatically reduce awards to no more than the maximum allowed based on the number of employees. An employer with up to 100 employees that discriminates against an employee will only be on the hook for up to \$50,000 in damages, and the liability of an employer with more than 500 employees can only be forced to pay up to \$300,000, no matter how egregious the discrimination or how profitable the company is. ***These limits are unchanged since 1991, effectively meaning that employment discrimination has gotten cheaper every year for more than three decades!***

Another federal law, [Section 1981](#), prohibits discrimination on the basis of race, color, and ethnicity when making and enforcing contracts, which includes employment contracts, but under section 1981 there are no limits to the amount of punitive and compensatory damages. Since Title VII claims and Section 1981 claims can be brought together, this means that claimants who were discriminated against on the basis of race can receive punitive and compensatory damages in excess of the Title VII caps, but victims of gender, disability or national origin discrimination cannot.

Finally, the [Age Discrimination in Employment Act](#) (ADEA) does not use the Title VII framework the way other civil rights statutes do, but instead gives plaintiffs access to the remedies outlined in the Fair Labor Standards Act, which regulates the payment of wages by employers. The ADEA allows age discrimination victims to recover for monetary loss only, which can be doubled if the plaintiff can prove "willful" discrimination.

The Solution:

The Equal Remedies Act of 2024 amends the ADEA so that victims of age discrimination are entitled to the remedies available under Title VII and eliminates the limits on punitive and compensatory damages under Title VII so that victims of all types of discrimination are able to receive the full awards that juries have decided they are entitled to for egregious and harmful acts of discrimination by employers. The Equal Remedies Act is common-sense legislation that would deter employers from discriminating against applicants and employees on the basis of race, color, religion, gender, national origin, disability or age and punish employers if they do.