TENNESSEE HUMAN RIGHTS ACT

In addition to Title VII, the ADA and the ADEA, Tennessee provides state protections against discrimination. There are some advantages to the Tennessee laws to both employees and employers depending on the circumstances. In addition to Federal laws, the Tennessee Human Rights Act provides relief through Tennessee Code Annotated §4-21-101 et seq (THRA) and the Tennessee Disability Act under TCA §8-50-103 (TDA). Our State protects race, color, religion, sex, age, national origin and creed.

As compared to the ADA or Title VII that requires 15 or more employees for the protected class and 20 or more for age discrimination, the THRA covers employers with only 8 or more employees. Thus, there are more businesses covered. Indeed, retaliation and disability does not require a finite number of employees and it is presumed that you can file a disability claim against a company with one or more employees in this state.

Tennessee does not provide a remedy for failure to accommodate religion or Disability. Title VII and the ADA requires employers to provide reasonable accommodation. The THRA and TDA does not provide a right to file a claim for failure to accommodate religion or disability.

While the ADA and Title VII cap damages based on the number of employees, Tennessee provides no cap. However, punitive damages are not allowed in Tennessee. However, Tennessee does allow damages for embarrassment and humiliation that “sound” in punitive damages. A violation of the TDA is a class C misdemeanor. Both allow for attorney fees if the Plaintiff is successful.