

Federal Employment Advertising Advisory

The federal laws prohibiting discrimination in employment advertising apply to all employers and are not specific to independent contractors.

Federal law provides that it is an "unlawful employment practice" for an employer, labor organization, or employment agency to advertise in such a way as to indicate "any preference, limitation, specification, or discrimination based on race, color religion, sex or national origin."

There is no federal law requiring that all "help wanted" listings in a newspaper appear under THAT heading. The Equal Employment Opportunity Commission takes the position, however, that it will treat the insertion of help wanted advertising under a sex-segregated column heading (Help Wanted Female or Help Wanted Male) as expressing a sex preference and therefore illegal under federal statute.

Finally, there are federal laws and regulations governing age discrimination. Federal law states that except under certain circumstances, employers, employment agencies and labor organizations may not "print or publish, or cause to be printed or published, any notice or advertisement indicating any preference, limitation, specification, or discrimination, based on age." Labor Department guidelines bar help wanted listings that include, by way of example, phrases such as "age 25 to 35", "young", "girl" or "boy".

The guidelines do permit indications of educational requirements such as "college grad". They also allow advertisements based on "bona fide occupational qualifications" and differentiations based on factors other than age (Female needed for bathroom attendant position). If a state or federal law requires a minimum or maximum age in order to qualify for the job, the age requirement may be included in the advertisement.

Federal law enforcers may hold newspapers liable for violations of advertising requirements.