Training course on Advanced Employment Discrimination Law

Professional Development Training Course Outline

Category	Legal Institute	**Duration**	5 Days
Base Fee	$1,500 USD	**Delivery Mode**	Online / On-site Hybrid

Course Introduction

Employment discrimination law is a dynamic and critically important field that seeks to ensure fairness and equality in the workplace. While foundational courses typically cover the basic principles of disparate treatment and disparate impact, the complexities of modern employment relationships, the nuanced forms of bias, and the strategic demands of litigation require a far more advanced understanding. This field continuously evolves through landmark court decisions, legislative amendments, and changing societal norms, particularly concerning systemic discrimination, intersectional identities, and emerging forms of digital bias. For legal professionals, human resource executives, and compliance officers, navigating these intricate challenges goes beyond mere rule-following; it demands sophisticated analytical skills, strategic foresight in litigation, and a deep appreciation for the ethical imperatives of creating truly equitable workplaces. Training Course on Advanced Employment Discrimination Law is meticulously designed to equip participants with the advanced theoretical insights and practical tools necessary to address the most challenging and contemporary issues in employment discrimination, enabling them to effectively advise clients, litigate complex cases, and drive meaningful organizational change towards diversity, equity, and inclusion. This course will delve deeply into complex legal theories and advanced litigation strategies, moving beyond introductory concepts to explore the intricacies of systemic discrimination, the challenges of proving pattern or practice claims, and the critical role of statistical evidence in class action lawsuits. Participants will gain crucial insights into the evolving landscape of retaliation claims, the practicalities of reasonable accommodation under the ADA, and the intersectional nature of discrimination. Emphasis will be placed on understanding the nuances of harassment, the legal and ethical complexities of affirmative action, and the impact of AI and algorithmic bias in hiring and management decisions. By examining cutting-edge case law, engaging in advanced problem-solving scenarios, and discussing best practices in internal investigations and compliance program design, attendees will develop the strategic acumen to effectively litigate, counsel, and shape policies that foster inclusive and legally sound workplaces, ensuring both compliance and true workplace equity

Programme Curriculum

Training Course on Advanced Employment Discrimination Law

Introduction

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This course will delve deeply into complex legal theories and advanced litigation strategies, moving beyond introductory concepts to explore the intricacies of **systemic discrimination**, the challenges of proving **pattern or practice** claims, and the critical role of **statistical evidence** in class action lawsuits. Participants will gain crucial insights into the evolving landscape of **retaliation claims**, the practicalities of **reasonable accommodation** under the ADA, and the intersectional nature of discrimination. Emphasis will be placed on understanding the nuances of **harassment**, the legal and ethical complexities of **affirmative action**, and the impact of **AI and algorithmic bias** in hiring and management decisions. By examining cutting-edge case law, engaging in advanced problem-solving scenarios, and discussing best practices in internal investigations and compliance program design, attendees will develop the strategic acumen to effectively litigate, counsel, and shape policies that foster inclusive and legally sound workplaces, ensuring both **compliance** and true **workplace equity**.

Course Objectives

Upon completion of this course, participants will be able to:

1. Analyze advanced theories of **employment discrimination**, including **systemic disparate treatment** and complex **disparate impact** cases.
2. Master the effective use of **statistical evidence** and econometric analysis in discrimination litigation.
3. Understand the complexities of **retaliation claims**, including the "adverse action" standard and causation.
4. Navigate nuanced issues in **reasonable accommodation** under the ADA and religious discrimination.
5. Apply the concept of **intersectionality** to analyze and litigate multi-faceted discrimination claims.
6. Examine the legal and practical challenges of addressing **workplace harassment**, including hostile environment claims.
7. Evaluate the legality and strategic implementation of **affirmative action** and diversity initiatives post-SFFA v. Harvard.
8. Identify and mitigate risks associated with **AI and algorithmic bias** in human resource decisions.
9. Conduct sophisticated **internal investigations** into discrimination complaints.
10. Develop advanced **litigation strategies**, including class action certification and expert witness management.

11. Advise clients on complex **diversity, equity, and inclusion (DEI)** initiatives and their legal implications.
12. Discuss emerging trends and future challenges in employment discrimination law.
13. Understanding probability, standard deviation, and statistical significance (e.g., 2-sigma rule).

Target Audience

This course is designed for legal and HR professionals with existing foundational knowledge in employment law who wish to deepen their expertise:

1. **Experienced Employment Lawyers:** Litigators, in-house counsel, and firm attorneys who handle employment discrimination cases.
2. **Human Resources Executives:** Senior HR managers, VPs of HR, and heads of diversity and inclusion.
3. **Judges and Judicial Staff:** Those involved in presiding over or assisting with employment discrimination cases.
4. **Government Regulators:** Attorneys and investigators working for agencies like the EEOC or state fair employment practices agencies.
5. **Union Representatives:** Counsel and advocates dealing with discrimination issues in collective bargaining environments.
6. **Academics and Legal Scholars:** Researchers and educators focusing on labor and employment law.
7. **Corporate Compliance Officers:** Professionals responsible for ethical conduct and legal adherence within organizations.
8. **Compensation and Benefits Specialists:** Professionals designing and managing international pay and benefits.

Course Duration: 5 Days

Course Modules

Module 1: Advanced Theories of Discrimination

- **Beyond Basic Disparate Treatment:** Proving sophisticated intent-based discrimination.
    - "Cat's Paw" liability: When the bias of a non-decisionmaker impacts the ultimate decision.
    - Mixed-motive claims: When both legitimate and discriminatory reasons exist.
    - Pretext vs. Direct Evidence: Navigating the evidentiary framework.
- **Complex Disparate Impact Analysis:**
    - Identifying neutral policies with discriminatory effects (e.g., credit checks, testing, height/weight requirements).
    - "Business Necessity" and "Job Relatedness": Advanced defenses and their evidentiary burdens.
    - Alternative Employment Practices: Proving viable, less discriminatory alternatives.
- **Systemic Discrimination and Pattern or Practice Claims:**
    - Distinguishing systemic claims from individual disparate treatment.
    - Elements of a pattern or practice case: Statistical proof and anecdotal evidence.
    - Remedies for systemic discrimination: Injunctive relief, class-wide damages.

Module 2: Statistical Evidence and Expert Witnesses in Discrimination Cases

- **The Role of Statistics:**
    - Understanding probability, standard deviation, and statistical significance (e.g., 2-sigma rule).
    - Types of Statistical Analyses: Regression analysis, multiple regression, cohort analysis.
    - Challenges to Statistical Models: Small sample sizes, omitted variable bias, data integrity.
- **Expert Witnesses:**

    - Selecting and qualifying statistical and labor market experts.
    - Challenging opposing experts under Daubert and Frye standards.
    - Preparing and conducting effective direct and cross-examination of statistical experts.
- **Discovery of Data:** E-discovery challenges and best practices for obtaining relevant data.

Module 3: Advanced Retaliation Claims

- **Defining "Protected Activity":** Broad scope, internal complaints, participation in investigations.
- **"Adverse Action" Standard:** Beyond ultimate employment decisions (e.g., ostracization, increased scrutiny).
- **Causation in Retaliation Claims:** "But-for" causation vs. "motivating factor."
    - Temporal proximity and other circumstantial evidence.
    - Intervening events and breaking the causal chain.
- **Whistleblower Protections and Overlap with Anti-Retaliation Laws:**
    - Sarbanes-Oxley Act (SOX), Dodd-Frank Act, and other industry-specific protections.
    - Navigating conflicting or overlapping statutory schemes.

Module 4: Reasonable Accommodation Under the ADA and Religious Discrimination

- **Interactive Process Nuances:**
    - When is the interactive process triggered? Employer vs. employee obligations.
    - Unreasonable delays as a failure to accommodate.
    - Handling complex accommodation requests: Remote work, reassignment, leave.
- **"Undue Hardship" Defense:**
    - Financial burden vs. disruption to operations.
    - Assessing the "direct threat" defense.
- **Religious Accommodation:**
    - "De minimis" undue hardship vs. "significant difficulty or expense."
    - Religious garb, holidays, and workplace conflicts.
    - Intersection with Title VII and state RFRAs.

Module 5: Intersectionality and Harassment

- **Intersectionality Theory in Law:**
    - Kimberlé Crenshaw's framework and its application to legal claims.
    - Litigating "compound" discrimination claims (e.g., race-plus-gender).
    - Pleading and proving unique experiences of individuals at multiple intersections.
- **Advanced Harassment Claims:**
    - Defining "severe or pervasive" conduct: Totality of the circumstances.
    - Beyond sexual harassment: Race, national origin, religious harassment.
    - Employer liability: Vicarious liability, Faragher-Ellerth defense, negligence.
    - Preventive measures: Effective anti-harassment policies, training, complaint mechanisms.

Module 6: Affirmative Action, Diversity, Equity, and Inclusion (DEI)

- **Post-SFFA v. Harvard:** Implications for race-conscious policies in employment.
- **Legality of Affirmative Action:** Public vs. private employers, voluntary plans, consent decrees.
- **Designing Lawful DEI Initiatives:**
    - Avoiding "reverse discrimination" claims.
    - Focus on outreach, talent development, and equity-focused practices.
- **ESG and DEI Metrics:** Legal risks and opportunities in reporting diversity data.

- **Evolving Concepts:** Belonging, psychological safety, and their legal relevance.

Module 7: AI and Algorithmic Bias in HR

- **Impact of AI on Employment Decisions:**
  - AI in recruiting, hiring, performance management, promotion, and termination.
  - Predictive analytics and machine learning in HR.
- **Legal Challenges of Algorithmic Bias:**
  - Disparate impact claims arising from biased algorithms.
  - "Black box" problem: Lack of transparency in AI decision-making.
  - Accountability for AI-driven discrimination.
- **Regulatory Responses and Best Practices:**
  - EEOC guidance on AI.
  - Auditing algorithms for bias, explainable AI (XAI).
  - Developing ethical AI principles for HR.

Module 8: Advanced Litigation and Resolution Strategies

- **Class Action Certification:** Rule 23 requirements (numerosity, commonality, typicality, adequacy).
- **Managing Complex Discovery:** E-discovery, protective orders, privilege logs.
- **Motion Practice:** Motions to dismiss, summary judgment, Daubert challenges.
- **Remedies in Discrimination Cases:** Back pay, front pay, compensatory and punitive damages, injunctive relief, attorneys' fees.
- **Settlement and ADR:** Mediation, arbitration, conciliation in complex discrimination disputes.
- **Compliance Program Design:** Proactive measures to prevent and respond to discrimination, internal investigations, training.

Training Methodology

- **Interactive Workshops:** Facilitated discussions, group exercises, and problem-solving activities.
- **Case Studies:** Real-world examples to illustrate successful community-based surveillance practices.
- **Role-Playing and Simulations:** Practice engaging communities in surveillance activities.
- **Expert Presentations:** Insights from experienced public health professionals and community leaders.
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Upcoming Scheduled Sessions

Start Date	End Date	Location	Price
23 Nov 2026	27 Nov 2026	Online	$1,000
23 Nov 2026	27 Nov 2026	Physical	$1,500
23 Nov 2026	27 Nov 2026	Physical	$3,000
23 Nov 2026	27 Nov 2026	Physical	$3,000
23 Nov 2026	27 Nov 2026	Physical	$6,000

Start Date	End Date	Location	Price
23 Nov 2026	27 Nov 2026	Physical	$4,500
23 Nov 2026	27 Nov 2026	Physical	$6,000
23 Nov 2026	27 Nov 2026	Physical	$6,000

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