

The Truth-O-Meter Says:



Under President Barack Obama's jobs bill, "you can sue if you are unemployed and don't get the job and think you weren't hired because you are unemployed."

[Sean Hannity](#) on Tuesday, September 13th, 2011 in a discussion on Fox News' "Hannity"

Sean Hannity says Barack Obama's jobs bill creates new avenue for unemployed to sue for discrimination

During the Sept. 13, 2011, edition of Sean Hannity's show on the Fox News Channel, Hannity said that President Barack Obama's jobs bill included a new way for Americans to sue for discrimination.



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In a discussion with former Florida State University football coach Bobby Bowden and Tucker Carlson, the editor of the Daily Caller, a conservative website, Hannity said that, under the bill, unemployed people would be able to sue for discrimination if they felt their status had kept them from getting a job.

"There is a class where they could sue the employer they've interviewed with because they were discriminated against, because they were unemployed," Hannity said. "If I'm an employer and they implement that, I'm not going to interview anybody."

Carlson added, "There's a new category to the Civil Rights Act with race, ethnicity."

Hannity continued, "You can sue if you are unemployed and don't get the job and think you weren't hired because you are unemployed."

Carlson replied that such a provision was a "giveaway to the trial lawyers."

"We've gone entitlement crazy," Bowden said.

"We have," Hannity agreed.

We were curious about whether Hannity described the law correctly. We began by turning to the bill itself.

The provision in question follows [news reports](#) that some companies have rejected unemployed job applicants out of hand as a way of filtering the large numbers of job resumes they're receiving. In some cases, companies even made it clear in advertisements that they would not consider applicants who were unemployed.

Since unemployment levels have remained stuck for months at near post-Great Depression highs, such practices posed a challenge for an administration that desperately wants to boost employment. So the bill states the overarching position that "denial of employment opportunities to individuals because of their status as unemployed is discriminatory."

Specifically, the bill prohibits employers from publishing help-wanted ads that disqualify people who are unemployed, and bars employers from failing to consider or hire an individual "because of the individual's status as unemployed." The bill places similar restrictions on employment agencies.

As for enforcement of the new provision, the bill says that "a court of the United States shall have the same jurisdiction and powers as the court has to enforce ... Title VII of the Civil Rights Act of 1964" -- the landmark provision that bans employment discrimination based on race, color, religion, sex and national origin.

An individual who seeks redress through the courts, the bill says, "may be awarded, as appropriate" an order to employers to stop the prohibited practices, "reimbursement of costs expended as a result of the unlawful employment practice," damages up to \$1,000 for each day of the violation, and "reasonable attorney's fees."

Lynn Bernabei, a Washington employment lawyer best known for representing whistleblowers, agreed that Hannity described the law accurately, though she said that individuals suing under the new provisions -- if they are ultimately enacted as written -- will still face a steep climb in the courts before they secure any compensation.

"Any individual suing under this law has to prove that he was discriminated against because he was unemployed," Bernabei said. "Discrimination is always difficult to prove, and it wouldn't be any easier to prove in this context."

But Hannity didn't suggest that plaintiffs would somehow be assured of winning in court; he simply said that they would have the opportunity to sue. We rate Hannity's statement True.