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CASE AND THE CONSTANT UPDATES! I WILL REFER THEM IF
I FIND SOMEONE IN NEED OF THEIR SERVICES”

- M.F.

WHAT IS A BONA FIDE JOB REQUIREMENT?

Hiring the right person for the right role can be challenging, especially when job requirements intersect with legal guidelines. A commonly misunderstood concept in hiring is the bona fide occupational qualification (BFOQ). This legal exception allows certain jobs to specify factors like gender, age, or religion as requirements without violating anti-discrimination laws. But when is this allowed, and how should employers and job seekers approach it?

The employment discrimination attorneys of Barrett & Farahany will explain the nuances of BFOQs, their legal implications, their use in the hiring process, and how to distinguish legitimate qualifications from discriminatory practices. Whether you're a job seeker or an employer, understanding these requirements can help you better protect your rights and comply with employment laws.



WHAT IS A BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ)?

A bona fide occupational qualification (BFOQ) is a legal exception that permits employers to make hiring decisions based on specific characteristics such as gender, age, or religion that might otherwise be considered discriminatory. However, these qualifications can only be used under very narrow and strictly defined circumstances.

For a BFOQ to be legal, employers must prove:

- The characteristic is essential to the business's operation or role.
- It directly relates to the core functions and duties of the job.
- There are no reasonable alternatives to meet the job's requirements.

BFOQs are recognized under the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 (ADEA). These laws prohibit discriminatory hiring practices but allow limited exceptions in cases where specific attributes are legally justifiable for the job. It's important to note that race and color can never be used as BFOQs.

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attorneys are situated in states across America, and proudly extend our renowned brand of resources to its respective region. Led by seasoned and highly connected legal teams, our offices deliver invaluable legal representation tailored to the unique needs of each state they serve.

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Barrett & Farahany | 3344 Peachtree Road NE Suite 800 | Atlanta, GA 30326 US

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