

Legal Update Article

# Minnesota's Human Rights Act Amended

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Minnesota Governor Tim Walz signed a bill significantly amending the Minnesota Human Rights Act (MHRA) on May 15, 2024. The MHRA, otherwise known as Minnesota's anti-discrimination statute, already prohibited discrimination in employment on the basis of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, familial status, and age. The definitions of the protected classes covered by the MHRA were expanded, as were the remedies and enforcement capabilities of the Minnesota Department of Human Rights (MDHR), the state agency responsible for enforcing the statute.

## Definition and Breadth of Protected Classes Expanded

*Protected Classes Under MHRA – “One or More”:* The amendments specifically prohibit an employer from discriminating against an individual because of *one or more* of the identified protected classes.

*Definition of “Disability” Expanded:* The definition of disability was expanded to include any person who: (1) has a physical, sensory, or mental impairment that materially limits one or more major life activities; (2) has a record of such an impairment; (3) is regarded as having such an impairment; *or (4) has an impairment that is episodic or in remission and would materially limit a major life activity when active.*

*Definition of “Familial Status” Expanded:* The definition of “familial status” for purposes of protected class was likewise expanded to include “residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.” This new addition expands the definition of “familial status” from caring for minors to include adults in certain circumstances.

## **Public Accommodations and Use of Service Animals Expanded**

The MHRA was also amended relating to the use of service animals in Minn. Stat. § 363A.19. It is now an unfair discriminatory practice to prohibit a person with a disability from taking a service animal into a public place to aid with disabilities, provided the service animal is properly harnessed or leashed so that the person with disability may maintain control over the service animal. This law applies to any place of public accommodation as defined by statute and prohibits an individual with disability from being charged to have a service animal.

## **Changes to MDHR’s Enforcement and Procedures**

The MDHR commissioner must make a determination of probable cause or no probable cause within one year of the filing of a case, unless the timing has been tolled.

The MDHR must now offer an opportunity to both charging parties and the respondent employers the opportunity to resolve a charge of discrimination through mediation or another alternative dispute resolution processes. The 12-month period during which the MDHR must make a determination is suspended during the period in which the parties are engaged in the alternative dispute resolution process.

The MDHR was also amended to follow the federal timing in which a charging party has to file suit after the commissioner dismisses a charge at the MDHR. Previously, an individual had 45 days to commence litigation. Now, a charging party has 90 days after the commissioner has dismissed a charge to bring litigation.

## **Increased Damages/Remedies Available to Aggrieved Individuals**

The damages and penalties available under the MHRA have significantly increased with the new amendments. These are effective for any civil action filed on or after Aug. 1, 2024.

The following remedies will be available for a prevailing employee:

1. Compensatory damages, including back/front pay and mental anguish or suffering, in an amount up to three times the actual damages sustained;
2. Unlimited punitive damages for private employers;
3. Attorneys' fees; and
4. Civil penalties to be paid into the general fund of the state.

Compensatory damages, including whether they are trebled (tripled), and punitive damages are determinations now made by the jury. Attorneys' fees and civil penalties are determined by the trial judge. Likewise, a court may order the following equitable remedies to a prevailing party: (i) the hiring, reinstatement, or upgrading of an aggrieved party who has suffered discrimination, with or without back pay; (ii) admission or restoration to membership in a labor organization; (iii) admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program; or (iv) any other relief the court deems just and equitable.

Please contact any Jackson Lewis attorney with whom you work with any questions.

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