

# Controversies over Employment Discrimination Arising from Genetic Testing in the Workplace in the United States

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## Abstract

The purpose of this article is to make an in-depth evaluation of employment discrimination controversies arising from genetic testing conducted by employers on their employees (or job applicants) in the workplace in the United States. In addition to examining various aspects relating to racial, sex and disability discrimination in employment, it also tries to review the merits, shortcomings and controversies about American practice. The contents of the article are divided into five sections. Section One will discuss the background about utilizing this testing in the American workplace in the past thirty years. Section Two examines several federal labor statutes and Executive Order, which either encourage or prohibit, this kind of screening. Section Three delves into various aspects of employment discrimination arising from genetic testing in the workplace. Section Four assesses the merits, shortcomings, controversies of the American practices and details the responses from employers and other related reform programs. Finally, in the Concluding Section, it will offer, through three stages, several proposals for the Government and local business entities in order to face the same challenge in the near future.

**Keywords:** Employment Discrimination; Testing and Screening in the Workplace; Genetic Testing in the Workplace; Genetic

Discrimination in Employment; Disability Discrimination in Employment; Disparate Treatment; Disparate Impact; Americans with Disabilities Act of 1990; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964.