



Jan 15, 2021

Categories:

[Publications](#)

Authors:

[Katie M. Collier](#)

[David A. Skidmore, Jr.](#)

Five Major Changes to Ohio's Workplace Discrimination Laws

The Ohio legislature has made significant changes to the laws governing Ohio employers in workplace discrimination cases. Earlier this week, Governor Mike DeWine signed the Employment Uniformity Act into law, amending the Ohio Civil Rights Act. While the changes to the law are complex and reflect legislative compromise, there are five major changes that will affect most Ohio workplace discrimination cases beginning in April 2021:

Two-Year Statute of Limitations. The Act amends the deadline for an employee to make a discrimination claim under Ohio law by creating a uniform two-year statute of limitations for all workplace discrimination claims. The new two-year statute of limitations to file a civil or administrative action is longer than federal law, but this change provides clarity and uniformity. Under Ohio's prior law, the statute of limitations in discrimination cases could be as long as six years.

Requirement to File a Charge. The Act requires employees to first file their workplace discrimination claims with the Ohio Civil Rights Commission (OCRC) before filing a lawsuit in court. An employee cannot file a lawsuit unless the claim has been filed with the OCRC and either (1) the OCRC has issued a "right to sue" notice or (2) the employee requested a right to sue notice from the OCRC and the OCRC failed to issue a timely notice (more than 45 days). The statute of limitations to file a lawsuit generally will not run while the administrative claim is investigated by the OCRC. Previously, Ohio law allowed employees to file suit in court without ever filing a charge with the OCRC.

No Personal Liability for Managers. The Act largely eliminates the potential for personal liability of managers. Specifically, managers now cannot be held personally liable for workplace discrimination practices relating to employment, unless the manager has engaged in acts such as retaliation or "aiding and abetting" a discriminatory practice.

Defense in Hostile Environment Sexual Harassment Cases. The Act makes clear that employers have a defense against hostile work environment sexual harassment claims if the employer can prove it exercised reasonable care to prevent or promptly correct any sexually harassing behavior and the employee alleging the claim unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer. The defense is not available to an employer if the harassment resulted in a tangible employment action, such as termination, demotion, or a failure to hire or promote. This defense mimics federal law and makes clear that employers should take steps to stop harassment in the workplace without court involvement.

Simplification of Age Discrimination Claims. Finally, the Act clarifies that the procedural prerequisites to file an age discrimination claim align with other types of discrimination claims in Ohio. Through the years, there has been much confusion under Ohio law as to what an employee must do to bring a timely claim of age discrimination in court. The answer now is clear under Ohio law: like other discrimination claims, an employee must first file a charge with the OCRC, and there is a two-year statute of limitations to act.

By and large, these changes make Ohio law much more consistent with federal law, and they should eliminate some of the procedural confusion associated with discrimination claims under Ohio law.

Frost Brown Todd attorneys have been involved for years in trying to obtain commonsense changes in Ohio's employment law, including testifying about the proposed changes before the Ohio Senate. If you have any questions, please feel free to call [David Skidmore](#), [Katie Collier](#), or any other lawyer in Frost Brown Todd's [Labor and Employment](#) group.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.