**Section 2500.50 Bona Fide Occupational Qualification**

Section 2-104(A) of the Act prescribes that it is not a violation for an employer, employment agency or labor organization to discriminate based on a criterion which constitutes a bona fide occupational qualification (BFOQ) for a particular job. This exemption is narrowly construed, and the person claiming the exemption bears the burden of establishing that it is available in the particular instance. A BFOQ is properly applied as an exclusion of an entire class of individuals on the basis of a standard that is necessary for safe or efficient job performance. If an employer or employment agency can demonstrate that all persons with a particular physical or mental condition would be incapable of performing a specific job in a safe or efficient manner, the BFOQ exception to the Act may be invoked. Some examples of BFOQs for specific positions are as follows: sight for a school crossing guard; speech for a radio announcer; and hearing for an air traffic controller. Freedom from any condition which merely presents a risk of future injury cannot qualify as a BFOQ. If an individual can perform the position in question safely and efficiently with a reasonable accommodation, a BFOQ defense to a charge of discrimination cannot be established.