

Federal EEO Laws

The Office of Civil Rights (OCR) manages the Department of Commerce's Equal Employment Opportunity (EEO) programs. This fact sheet includes basic information on Federal EEO laws and the protections they provide for Commerce employees and job applicants.

Q. What are the EEO laws that protect federal employees and job applicants from discrimination?

A. The EEO laws that apply to federal employees and job applicants are:

- **Title VII** of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;
- the **Equal Pay Act** of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- the **Age Discrimination in Employment Act** (ADEA) of 1967, which prohibits age discrimination against individuals who are 40 years of age or older; and
- **Section 501 of the Rehabilitation Act** of 1973, which prohibits discrimination against qualified individuals with disabilities in the federal government.

Q. Are federal employees protected from other types of job discrimination?

A. Yes. There are also federal protections from discrimination on other bases, including sexual orientation, status as a parent, marital status, political affiliation, and conduct that does not adversely affect performance. EEO Counselors can provide information about avenues of redress for these claims, which cannot be raised in the EEO Complaint Process.

Q. What discriminatory practices are prohibited by EEO laws?

A. It is illegal to discriminate in any aspect of employment including:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- use of agency facilities;
- training and apprenticeship;
- benefits, pay, retirement plans, and disability leave; or
- any other terms and conditions of employment.

Other prohibited practices under these laws include:

- retaliation for filing a complaint, participating in the complaint process, or opposing discriminatory practices;
- harassment because of race, color, religion, sex, national origin, disability, or age;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, color, age, religion, or national origin, or individuals with disabilities;
- discrimination because of marriage to, or association with, an individual of a particular race, religion, or national origin, or an individual with a disability; and
- discrimination because of participation in schools or places of worship associated with a particular racial, ethnic or religious group.

Title VII also prohibits practices that have the effect of discriminating against individuals because of their race, color, national origin, religion, or sex, even if the discriminatory effect is not intended.

Q. What is national origin?

A. National origin may refer to a person's country of birth, nationality, ancestry, or cultural or ethnic origin.

Title VII also prohibits discrimination based on linguistic characteristics common to a specific ethnic group. An employer must show a legitimate nondiscriminatory reason for the denial of employment opportunity because of an individual's accent or manner of speaking. Requiring employees or applicants to be fluent in English may also violate Title VII if the rule is adopted to exclude individuals of a particular national origin and is not related to job performance.

Q. What is religion? Must an employer make accommodations for religious beliefs?

A. Religion refers to a person's religious background, religious beliefs -- or lack of them -- or membership in a religious group.

An employer is required to reasonably accommodate the religious beliefs or practices of an employee or prospective employee, unless doing so would impose an undue hardship.

Q. Is sexual harassment prohibited by Title VII?

A. Yes. Title VII's prohibitions against sex discrimination cover sexual harassment. This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile work environment for persons of either gender. Same-sex harassment is also prohibited.

Q. Is pregnancy discrimination prohibited by Title VII?

A. Yes. Discrimination based on pregnancy or related medical conditions is a type of sex discrimination. Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary medical illnesses or conditions.

Q. Who is protected by the Rehabilitation Act?

A. The Rehabilitation Act prohibits discrimination against qualified federal employees and job applicants with disabilities. It provides the same protections to federal employees that the Americans with Disabilities Act does for employees in the private sector, state and local government, and other organizations.

A **disability** is a physical or mental impairment that substantially limits at least one major life activity, such as walking, seeing, hearing, speaking, learning, or working.

The law also protects individuals from discrimination because they:

- have a record of such an impairment, or
- are regarded as having such an impairment.

A person is **qualified** if they have the skills, experience, education and other job-related requirements of the position; and can perform the essential duties of the job. If the person needs a reasonable accommodation to do the job, the employer must provide it except in limited circumstances where doing so would pose an undue hardship for the organization.

Q. What is a reasonable accommodation?

A. A reasonable accommodation is any change or adjustment to a job, the work environment, or the way things are done that would allow a person to:

- apply for a job,
- perform job functions, or
- enjoy the benefits available to other individuals in the workplace.

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