

Discrimination on the Basis of Race, Color or National Origin

Part Two in a Series on Workplace Discrimination

Which of these three hypothetical situations involve employment discrimination?

◆ A company eliminates medical coverage for sickle cell anemia from its benefits package in order to save money on health care costs.

◆ A manager chooses to promote one female Hispanic employee over another female Hispanic employee, because the first has lighter skin.

◆ A human resources manager dismisses a potential employee's application because the applicant's name appears to be of Middle Eastern origin.

Each situation raises possible issues of discrimination. Discrimination affects individuals of all races, colors and ancestry, and it takes many forms. According to the Equal Employment Opportunity Commission, an employer cannot single out or illegally discriminate against an employee or job candidate on the basis of race, color or national origin in any aspect of employment, including, but not limited to: hiring and firing; compensation, assignment or employee classification; transfers, promotions, layoffs or recalls; recruitment and job advertisements; retirement plans; and disability leave.

In the legislative branch, such discrimination violates the Congressional Accountability Act (CAA), which is administered by the Office of Compliance (OOC). Legislative branch employees may contact the OOC if they feel they have been discriminated against, and may

take action through the OOC's dispute resolution process.

Discrimination on the Basis of Race

Discrimination on the basis of an unalterable characteristic associated with race—such as hair texture or certain facial features—violates the CAA, even if all members of the race may not share the same characteristics.

Racial discrimination may also occur when a decision or policy negatively impacts one race, regardless of whether the decision or policy was intended to do so.

For example, in the first hypothetical situation above, a benefits package that

excludes individuals with sickle cell anemia may be considered racial discrimination, since sickle cell anemia predominantly occurs in African-Americans.

Discrimination on the Basis of Color

Color discrimination occurs when individuals are treated differently than others of the same or similar race because of the color of their skin. While this is a separately identifiable type of discrimination, it can also occur in conjunction with race discrimination.

Color discrimination occurs separately from race discrimination when members of the same race are treated differently because of their skin color. In the second hypothetical example above, the two female employees are both Hispanic, but one is shown preference presumably because of the shade of her skin.

Discrimination on the Basis of National Origin

The CAA prohibits discrimination against any employee or applicant because of the individual's national origin. No employee or prospective employee can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. In the third example above, the prospective employee's application was dismissed because of a presumed Middle Eastern ancestry.



Jermaine and Johnny Isaac, Alabama's first African American father and son state troopers. A landmark anti-discrimination case filed by the Southern Poverty Law Center in 1972 paved the way for the Isaacs' employment. (Image courtesy Southern Poverty Law Center)

A rule requiring employees to speak only English may also constitute discrimination on the basis of national origin, unless an employer demonstrates that the rule is necessary for conducting business. Similarly, an employer must be prepared to show a legitimate nondiscriminatory reason for the denial of employment opportunity because of an individual's accent or manner of speaking if such denial is challenged by the employee.

Dealing with Race, Color, or National Origin Discrimination


If you believe you have been discriminated against on the basis of your race, color or national origin, you may notify the responsible party of your concerns, but you are not required to do so. If your concern is not addressed, report it to your boss or another supervisor. A supervisor who receives a complaint of discrimination should take immediate steps to resolve the complaint and conduct an investigation if necessary.

Employees may also contact the Office of Compliance if they feel they have been discriminated against. Prospective employees who are denied employment because of race, color or national origin are also covered by the CAA, and may contact the Office of Compliance to pursue a claim.

If you are aware of unlawful discrimination in your workplace, you may let the responsible party know that the behavior is inappropriate or speak directly with a supervisor. Do not encourage or participate in the behavior, because you may be accused of discrimination as well.

Employing offices should publish their policies against discrimination, and should provide employees with methods to report, investigate and resolve

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discrimination complaints. Congress also offers training courses and other resources to educate managers and employees about preventing and addressing discrimina-

tion in the workplace. Legislative branch employees may contact the Office of Compliance with any questions at (202) 724-9250.



Office of Compliance

Room LA 200, John Adams Building

t/ 202-724-9250

tdd/ 202-426-1912

f/ 202-426-1913

Recorded Information Line/ 202-724-9260

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