

# YOUR RIGHT TO BE FREE FROM DISCRIMINATION AT WORK In Washington, D.C.



Both federal and D.C. law make it illegal for an employer to discriminate against you in hiring, firing and promotion decisions. This fact sheet will provide you with some basic facts about your right to be free from discrimination at work, and what you can do if you believe you are a victim of discrimination.

## WHAT IS DISCRIMINATION?

In general terms, discrimination is when you are treated unfairly or differently than your co-workers. Discrimination is **illegal only** when it is based on certain protected personal characteristics. It is important to remember that not all kinds of discrimination are illegal, even if they are unfair.

## WHAT ARE THOSE PROTECTED PERSONAL CHARACTERISTICS?

Under D.C. and federal law, it is illegal for an employer to discriminate on the basis of **race**, **national origin** (the country in which you or your ancestors were born), **sex** (male or female), **religion**, **pregnancy/childbirth**, **age** (40 or older), **genetic information** (e.g. family medical history), **disability**, and **color**. In addition, D.C. law prohibits discrimination based on **marital status** (single, married, or divorced), **personal appearance** (including transgender people), **sexual orientation** (gay, straight, or bisexual), **family responsibility** (taking care of children or other relatives), **political affiliation** (Democrat, Republican or other), **age** (18 or older), **place of residence or business**, **source of income**, and **enrolment in college or vocational school**.

## WHAT KINDS OF ACTS CONSTITUTE DISCRIMINATION?

One type of discrimination is called “**disparate treatment.**” An employer engages in disparate treatment when he/she treats you differently than a co-worker because of an illegal reason (for example, your race or sex). In order to prove your case, you must demonstrate that your employer has taken a “tangible” adverse action against you. Some examples include refusing to hire you for a job; refusing to give you a promotion or raise; paying you a lower salary than people who do not share the same protected personal characteristic as you; demoting you; firing you; or giving you significantly worse assignments than people who do not share the same protected personal characteristic. Discrimination can also be expressed through harassment. **Harassment** occurs when a boss, supervisor, or co-worker behaves in a way that creates a work environment which is threatening or hostile to you because you possess one or more protected personal characteristics.

Another type of discrimination is called “**disparate impact.**” An employer engages in disparate impact discrimination by enforcing a rule or practice at work that appears to apply equally to all people, but actually ends up disadvantaging people with certain protected personal characteristics. Examples include: a written test that is not related to job requirements but in the end, excludes almost all people of a certain race or national origin; lifting requirements that have nothing to do with job duties but in the end, exclude almost all women or older workers.

## WHAT EMPLOYERS ARE COVERED BY THE ANTI-DISCRIMINATION LAWS?

The federal employment discrimination law, Title VII of the Civil Rights Act of 1964, covers most private employers with 15 or more employees. The D.C. Human Rights Act applies to **all** employers that do business within the District of Columbia, regardless of size. Federal and D.C. government employees are also covered by these laws, but have to follow different procedures.

## HOW DO I KNOW IF MY EMPLOYER IS DISCRIMINATING AGAINST ME FOR AN ILLEGAL REASON?

It is very difficult to prove illegal discrimination, but there are certain types of evidence that can help you prove your case. Some examples include racist, sexist, ageist, etc. remarks made by your bosses or people in positions of responsibility at

your workplace; examples of harassment or poor treatment to which you were subjected; statistics about the hiring and promotion practices of your employer; and witnesses to discriminatory treatment or comments.

## **I THINK MY EMPLOYER DISCRIMINATED AGAINST ME. WHAT DO I DO NOW?**

### **Keep a journal recording incidents of discrimination.**

Write down dates, times, and details of incidents that you believe are discriminatory as well as your efforts to resolve the problem in your workplace.

### **Bring the discrimination to the attention of your employer.**

If you can, tell the person who is discriminating against you about your concerns and that you believe that his or her behavior violates the law. If s/he is not receptive, tell his or her supervisor. Finally, check your employee manual to see if your employer has an internal process for addressing complaints of discrimination and file a complaint.

### **If you belong to a union, talk to your shop steward or business agent.**

The steward will give you advice about your rights and help you to take action under your collective bargaining agreement.

## **HOW CAN I FILE A CLAIM?**

**Private Employees:** File a claim with the Equal Employment Opportunity Commission (EEOC) within 180 days (300 days for DC, MD, and VA). DC employees may also file in the DC Office of Human Rights within one (1) year of the discriminatory action.

**DC Government Employees:** Must go through the agency's internal EEO process. A complaint must be made to an EEO Counselor within 180 days of the discriminatory action.

**Federal Employees:** Must go through the agency's internal EEO process. A complaint must be made within 45 days of the discriminatory action.

*For more information about your workplace rights come to EJC's Workers' Rights Clinic from 6:00 p.m. – 9:00 p.m. on Wednesdays at Bread for the City, NW (1525 7<sup>th</sup> Street, NW, between P and Q Streets, NW; list starts at 5 p.m.) or, from 3:00 p.m. – 6:00 p.m. one Monday per month at Bread for the City, SE (1640 Good Hope Road, SE). The clinic is first-come, first served, and no appointment is necessary. For more information, visit the D.C. Employment Justice Center website at [www.dcejc.org](http://www.dcejc.org).*

*This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Washington, D.C. Because laws and procedures frequently change, the D.C. Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights.*

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