

DISCRIMINATION, HARASSMENT & RETALIATION



Many House employees misunderstand their rights in the workplace when thinking about “discrimination,” “harassment,” or “retaliation.” These are legal terms with specific definitions and criteria under the laws of the Congressional Accountability Act of 1995 (CAA). Only when these criteria are met do House employees raise concerns for which they might have a legal claim.

DEFINING THE TERMS

“Discrimination,” “harassment,” and “retaliation” are legal terms that have separate and distinct definitions.

- **Discrimination**- Occurs when a House employee experiences specific action or a series of actions by an employer based upon protected class(es).

Examples include unequal pay for equal work, denial of promotions or other opportunities, negative treatment compared to similarly situated coworkers, hiring decisions based on stereotypes, series of microaggressions

- **Harassment** - Occurs when a House employee experiences unwelcome conduct that creates a hostile work environment (i.e., enduring the conduct becomes a condition of continued employment OR it is severe or pervasive enough for a reasonable person to find it intimidating, hostile, or abusive) based upon protected class(es).

Examples include offensive or derogatory jokes; racial slurs; pressure for dates or sexual favors; unwelcome comments about a person's religion or religious garments; or offensive graffiti, cartoons, or pictures.

- **Retaliation** - Occurs when a House employee experiences an adverse employment action (i.e., any negative action, or series of actions, by the employer affecting the employee's job status or working conditions) because they complain about harassment or discrimination in the workplace, participate in another employee's complaint of harassment or discrimination, or oppose employment practices that they believe violate any of the laws under the CAA.

Examples include demotion, passing over for promotions or raises, denial of employment enhancing opportunities, salary reduction, reassignment of job duties, creating a hostile work environment, termination



WHAT ARE PROTECTED CLASSES?

Protected classes include:

- **Sex** - gender, sexual orientation, gender identity, and pregnancy and related conditions
- **Race** - categorization based on perceived shared physical characteristics
- **Color** - skin color, pigmentation, complexion, shade or tone
- **Religion** - affiliation, characteristics, and perceptions related to an employee's sincerely held religious beliefs
- **National Origin** - being from a particular country or part of the world, being a certain ethnicity, or having an accent
- **Age** - 40 years of age and older
- **Disability** - actual or perceived physical or mental health condition that substantially limits a major life activity
- **Military Status** - past and present service in the military
- **Associational discrimination** - based upon the employee's relationship with a member of a protected class

WHAT IS NOT ILLEGAL DISCRIMINATION, HARASSMENT, OR RETALIATION UNDER THE CAA?

- Differential treatment based upon skill or performance
- Raising non-CAA ethics issues (e.g., campaign work conducted on official time, improper use of campaign funds, improper use of personal office resources)
- Legitimate assessment of workplace performance resulting in negative performance reviews or performance improvement plans
- Complaints about negative and unprofessional treatment where all individuals are treated similarly
- Restructuring of roles and/or reassignment of duties based on legitimate business needs
- Actions based upon nepotism, friendship, or professional loyalty

HAVE QUESTIONS? NEED MORE INFORMATION?

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