



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 at work.

1. 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 that federal, state or D.C. law says are illegal. It is important to remember that not all kinds of discrimination are illegal, even if they are unfair.

2. 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**, **age** (40 or older), **disability**, and **color**. In addition, D.C. law prohibits discrimination based on **marital status** (single, married, or divorced), **personal appearance** (including transgendered 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), **genetic information**, **place of residence or business**, **source of income**, and **enrollment in college or vocational school**.

3. What kinds of acts constitute discrimination?

One type of discrimination is called “**disparate treatment.**” This is when an employer treats you differently than a co-worker because of an illegal reason (for example, your race or sex). But the law says that the employer must do something to you that is “tangible.” Some examples include refusing to hire you for a job; refusing to give you a promotion or raise; giving 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 as you. Discrimination can also be expressed through “harassment.” That is when a boss,

supervisor, or co-worker says or does something that creates a threatening or hostile work environment for you based on your having one or more of the protected personal characteristics.

Another type of discrimination is called “**disparate impact.**” This is when an employer has a rule or practice at work that seems 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, excludes almost all women or older workers.

4. 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. law, 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. (see question #7).

5. How do I know if my employer is discriminating against me for an illegal reason?

This is a hard question to answer. 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 employer; examples of harassment or poor treatment to which you were subjected; statistics about hiring and promotion practices at your employer; and witnesses to discriminatory treatment or comments.

6. I think my employer discriminated against me; what do I do now?

You can always file a complaint with the government, but ideally, you should try to resolve the matter with your employer first. If you feel there is no point in discussing the matter with your employer, go on to question 7, but otherwise, try the following:

Talk to the person discriminating against you, and also to a person in authority.

If you can, tell the person who is discriminating against you about your concerns. Tell him or her that you believe that his or her behavior violates the law. In addition, tell a person in authority what is happening. Make sure that your complaint is in writing, and keep a copy of the complaint for yourself. Try to resolve the situation through the internal processes available to you, informally if possible.

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

This is the first step for anyone in a union. The steward will give you advice about your rights and help you to take action under your collective bargaining agreement.

Keep a journal recording incidents of discrimination.

Write down dates, times, and details of incidents that you believe are discriminatory.

7. How do I file a claim for discrimination against my employer?

If you believe you have been discriminated against, you can file a complaint. The process for filing a complaint depends on the size of your employer, and whether you work for the government or a private company. If you work for a private employer with 15 or more employees, see part A. For a private employer with fewer than 15 employees, see part B. State or D.C. government employees should see part C. Federal government employees should see part D.

A) If you work for a private employer with 15 or more employees:

You may file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC). It does not cost anything to file a charge, but you must file at the EEOC before filing a lawsuit under the federal law, e.g. Title VII, ADA. The contact info for EEOC claims arising in D.C. and Virginia is 1801 L Street NW, Suite 100, D.C. (202) 419-0700. EEOC complaints in Maryland must be filed with the EEOC's Baltimore District Office, located at 10 South Howard Street, City Crescent Building, 3rd Floor, Baltimore, Maryland 21201 (410) 962-3932. You must file your charge of discrimination with the EEOC within 300 days of the discriminatory event. Even if it seems like it is too late to file, file anyway because these time limits can be extended in certain circumstances.

In D.C., you may also file your complaint with the D.C. Office of Human Rights (DCOHR) at 441 4th Street NW, Suite 570 North, Washington, D.C. 20001 (202) 727-4559. If you are filing based on the federal laws noted above make sure that the agency you file with “cross files” your complaint with the other agency so you do not have to travel to both offices.

If you have a claim under the D.C. law **but not under the federal law**, you can either file with the DCOHR or choose to file a lawsuit in D.C. Superior Court. D.C. Superior Court can be confusing, though, and should only be done as a last resort. If you decide to file in court, come to an EJC Workers' Rights Clinic first. Details are at the end of this handout.

In Maryland, you may also file your complaint with the Maryland Commission on Human Rights (MCHR). Again, if you are filing based on the federal laws noted above make sure that the agency “cross files” your complaint with the EEOC so you do not have to travel to both offices.

You have 180 days to file with the MCHR. The MCHR is located at 6 St. Paul Street, Suite 900, Baltimore, Maryland 21202 (410-767-8600, or within Maryland, 800-637-MCHR). You may also visit these local agencies, which enforce their county's anti-discrimination laws:

- Howard County Office of Human Rights, 6751 Columbia Gateway Dr., 2nd Fl., Columbia, MD 21046 (410-313-6430; TDD 410-313-6401). Office Hours: M-F, 8 a.m. to 5 p.m.
- Montgomery County Human Relations Commission, 164 Rollins Ave., 2nd Floor, Rockville, MD 20852 (301-468-4260; TDD 301-458-4198). Office Hours: M-F, 8:30 a.m. to 5 p.m.
- Prince George's County Human Relations Commission, 1400 McCormick Drive, Suite 245, Largo, MD 20774 (301-883-6170; TDD 301-925-5167). Office Hours: M-F, 8:30 a.m. to 5 p.m.

In Virginia, you may also file your complaint with the Virginia Council on Human Rights (VCHR). Again, if you are filing based on the federal laws noted above make sure that the agency “cross files” your complaint with the EEOC so you do not have to travel to both offices.

You have 180 days to file with the VCHR. The VCHR is located at 900 East Main Street, Fourth Floor, Pocahontas Building, Richmond, Virginia 23219 (804-225-2292 or, within Virginia, 800-633-5510). You may also visit these local agencies, which enforce their county's anti-discrimination laws:

- Arlington Office of Human Rights, 2100 Clarendon Blvd, Suite 400, Arlington, VA 22201 (703)-228-3929. Office Hours: M-F, 8 a.m. to 5p.m.
- Alexandria Office of Human Rights, 421 King St., Suite 400, Alexandria, VA 22314 (703)-838-6390. Office Hours: M-F, 8 a.m. to 5 p.m.
- Fairfax County Human Rights Commission, 12000 Government Center Parkway, Suite 318, Fairfax, VA 22035 (703) 324-2953. Office Hours: M-F, 8:30 a.m. to 5 p.m.
- Prince William County Human Rights Commission, 15941 Donald Curtis Drive, Suite 125, Woodbridge, VA 22191 (703) 792-4680. Office Hours: M-F, 8 a.m. to 5 p.m. (Spanish-speaking clients should call from 9 a.m. to 3 p.m.)

B) If you work for a private employer with fewer than 15 employees:

In D.C., you may file a charge of discrimination with the D.C. Office of Human Rights (DCOHR) at 441 4th Street NW, Suite 570 North, Washington, D.C. 20001 (202) 727-4559. You must file the charge within one year of the discriminatory event. If you have a claim under the D.C. law but not under the federal law, you can either file with the DCOHR or choose to file a lawsuit in D.C. Superior Court. D.C. Superior Court can be confusing, though, and should only be done as a last resort. If you decide to file in court, come to an EJC Workers' Rights Clinic first. Details are at the end of this handout.

In Maryland, you may not file a complaint in the EEOC or MCHR. You may only file a wrongful discharge lawsuit directly in court. This process can be confusing, though, so if you decide to pursue this option, come to an EJC Workers' Rights Clinic first. Details are at the end of this handout.

In Virginia, if your employer has five to fourteen employees, you may file a charge of discrimination with the Virginia Council on Human Rights (VCHR) or a local agency. See part A for contact information. You must file the charge within 180 days of the discriminatory event.

C) If you are a state or D.C. government employee:

In D.C., you can either file an administrative complaint or file a complaint in D.C. Superior Court, just like a private employee. To file an administrative complaint, contact your office's Equal Employment Opportunity (EEO) officer right away. You can find your agency's EEO officer by looking in your personnel manual or asking someone in the human resources department. You must file your complaint within 180 days of the discrimination. The counselor will investigate the allegations of discrimination and issue a report within 21 days. After this report, you have 15 days to appeal to the D.C. Office of Human Rights (DCOHR). After DCOHR makes its decision, if you are still not satisfied, you should come to an EJC Workers' Rights Clinic to guide you through the next steps. Details are at the end of this handout.

In Maryland, you may file with the EEOC or the MCHR. See part A for details. You also have the additional option of filing with your agency's Equal Employment Opportunity ("EEO")

Officer. Each government agency has a specific person designated for this purpose. You must file within 30 days of the discrimination or of when you found out about the discrimination. If you do not agree with your EEO Officer's result, you have 10 days to appeal to the statewide EEO office.

In Virginia, you may only file with the EEOC in Washington, D.C. at 1801 L Street NW, Suite 100, (202) 419-0700. You must file the charge within 180 days of the discriminatory event.

D) If you work for the Federal Government:

Contact your office's Equal Employment Opportunity (EEO) officer right away. You can find your agency's EEO officer by looking in your personnel manual or asking someone in the human resources department. Federal employees follow a special procedure for discrimination complaints. You must file your complaint within 45 days of the discrimination, but this time limit can be extended in certain circumstances. An EEO counselor will investigate your complaint by meeting with you and the agency officials who allegedly discriminated against you. When the counselor is done, he/she will send you a "notice of final interview" letter. If you are not satisfied at that point, you have only 15 days to file a formal complaint. After you have filed a formal complaint, you should come to an EJC Workers' Rights Clinic to guide you through the next steps. Details are at the end of this handout.

8. Can my employer legally fire me or otherwise punish me if I complain about discrimination?

No. It is illegal for your employer to retaliate against you for filing a discrimination complaint. Unlawful retaliation includes firing you, demoting you, or giving you a worse work assignment because of your discrimination complaint. If your employer does retaliate against you, you can also file an administrative complaint and/or sue on that basis.

For more information about your workplace rights come to one of the Workers' Rights Clinic run by the D.C. Employment Justice Center from 6:00 p.m. – 7:30 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW, near the Howard Univ/Shaw Metro stop on the Green Line) or from 3:00 p.m. – 4:30 p.m. on Mondays at Bread for the City, SE (1640 Good Hope Road, SE). No appointment is necessary, and you may call (202) 828-9675 for additional information about the clinic. You can also visit the D.C. Employment Justice Center website at 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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