

Your Rights Under the Congressional Accountability Act



Employment Discrimination

Section 201 of the Congressional Accountability Act (CAA) requires that all personnel actions – such as hiring, discharge, promotion, pay, or benefits – must be free from discrimination based on race, color, religion, sex, or national origin. The law forbids discrimination based on these characteristics even if other factors also motivate the action.

Key Provisions Under the Law

- Proving motivation depends on the facts of a particular case. A covered employee must not only prove that he or she was treated differently from others in similar circumstances, but must also show that race, color, religion, sex, or national origin was a motivating factor in that treatment.
- The law also forbids certain employment practices that, while they may appear neutral in practice, in fact, cause a "disparate impact" on an employee on the basis of race, color, religion, sex, or national origin.
- The CAA also prohibits sexual harassment in the workplace and discrimination because of pregnancy or childbirth.
- The law requires that an employing office must reasonably accommodate an applicant's or an employee's religious observances and practices so long as doing so will not create an undue hardship on the conduct of business.

Frequently Asked Questions About Employment Discrimination

Q. What does Title VII of the Civil Rights Act, as applied by section 201(a) of the CAA prohibit?

A. The CAA prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The prohibition extends to discrimination on the basis of pregnancy, childbirth and related medical conditions, sexual harassment, and harassment based on race, color, religion, or national origin.

Q. Must an employing office allow an employee time-off for religious observances?

A. An employing office must allow employees time off for their religious observances to the extent that such accommodations do not impose an undue hardship on the employing office.

Employment Discrimination CONTINUED

Q. If, for pregnancy related reasons, an employee is unable to perform the functions of her job, does the employing office have to provide her an alternative job?

A. An employee who is temporarily unable to perform the functions of her job because of her pregnancy (or a condition related to that pregnancy) must be treated in the same manner that the employing office treats any other temporarily disabled employee.

The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding employment discrimination or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at www.compliance.gov.

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

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