

Your Rights Under the Congressional Accountability Act



Age Discrimination

Section 201 of the Congressional Accountability Act (CAA) provides that all personnel actions affecting covered employees shall be free from age discrimination for those forty years old or older. This includes hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

Key Provisions Under the Law

- The CAA only protects individuals who are *at least forty years old* against discrimination; individuals younger than forty are not protected.
- Harassment because of age is also prohibited – insults, jokes, slurs, or other conduct relating to age may be unlawful if they create a hostile work environment or interfere with an individual's work performance.
- Proving motivation depends on the facts of a particular case. A covered employee must prove that he or she was treated differently from others in similar circumstances, and that age was a motivating factor in that treatment.
- Bona fide seniority or merit systems may be used so long as they are not instituted to discriminate on the basis of age.

Frequently Asked Questions About Age Discrimination

Q. What actions by an employing office are unlawful when taken against an employee aged 40 or older?

A. An employing office is prohibited from discriminating because of age against an employee aged 40 or older by failing or refusing to hire, discharging, or otherwise discriminating against any individual with respect to his or her compensation, terms, conditions, or privileges of employment. Limiting, segregating, or classifying an employee in any way that would deprive or tend to deprive any individual of an employment opportunity because of the employee's age is also prohibited.

Q. How does an employee establish a claim of age discrimination?

A. By demonstrating that an adverse action taken by an employing office was actually motivated by age. For example, an employee may have direct evidence of discrimination, or discrimination may be inferred when: (a) the employee is within the protected age group (aged 40 or older); (b)

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the employee was doing satisfactory work; (c) the employee was discharged despite the adequacy of his or her work; and (d) the position was filled by a younger employee.

Q. What remedies does an employee aged 40 or older have if an employing office discriminated against that employee based on the employee's age?

A. An employee may have a right to be hired, reinstated, or promoted. In addition, an employee may be entitled to unpaid wages or overtime compensation and liquidated damages.

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 age 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.

The Office of Compliance
110 2nd Street, SE Room LA-200
Washington, D.C. 20540-1999
202-724-9250/TDD 202-426-1912
Recorded Information Line: 202-724-9260
www.compliance.gov

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