U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you have been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected? • Employees (current and former), including those on military leave • Applicants for employment • Union members and applicants for membership in a union

What Types of Employment Discrimination are Illegal? Under the EEOC’s laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:
• Race
• Color
• National origin
• Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
• Age (40 and older)
• Disability
• Genetic information (including information about an employee’s, or an employee’s family member’s, genetic tests, genetic services, or family medical history)

Retaliation
For example, your employer may not:
• Fire you
• Demote you
• Reduce your pay
• Failure to provide reasonable accommodation for a person with a disability
• Assignment that will cause employment discrimination

Discriminating or retaliating in a discrimination lawsuit, investigation, or proceeding
• Intimidating, interfering with, or opposing someone exercising their rights
• Engaging in activity protected by federal law from discrimination on the following bases:
• Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin
• Executive Order 11246, as amended, prohibits employment discrimination based on race, color, national origin, sex, or religion
• Individuals with Disabilities

Programs or Activities Receiving Federal Financial Assistance
Race, Color, National Origin, Sex
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VII if the primary objective of the financial assistance is provision of employment or where employment discrimination causes or may cause discrimination in providing services under such programs. Title VII of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited against any recipient of Federal financial assistance with persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in programs or activities which receive Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a Federal law that provides eligible employees with job protected leave for qualifying family and medical reasons. The U.S. Department of Labor and the Wage and Hour Division (WHD) enforces the FMLA for most employers. Employees can take up to 12 weeks of FMLA leave in a 12-month period for:
• The birth, adoption, or foster care placement of a child
• The serious health condition of a family member
• Your serious mental or physical health condition that makes you unable to work, learn for your classes, attend classes, or perform your physical or mental health conditions
• Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is in the military
An eligible employee is one who is, or whose spouse, child, parent or next of Kin is a covered servicemember with a serious injury or illness. An employee who is a covered servicemember may take up to 33 weeks of FMLA leave in a 24-month period for serious injury or illness of the servicemember.

How do I know if I have FMLA leave? If you are employed by a covered employer, you must be notified of your eligibility for FMLA leave.

How to notify an employer
• You work for a covered employer
• You have worked for your employer at least 12 months
• You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
• Your employer has at least 50 employees within 75 miles of your work location.

What is FMLA leave? An employee who is eligible for FMLA leave is entitled to:
• Up to 12 weeks of unpaid leave in a 12-month period
• To use FMLA leave for qualifying family or medical reasons
• To request leave, and
• To receive leave when approved

What are the requirements for taking FMLA leave? You are entitled to use FMLA leave when you:
• Work for a covered employer
• Have worked for your employer at least 12 months
• Have at least 1,250 hours of service for your employer during the 12 months before your leave, and
• Your employer has at least 50 employees within 75 miles of your work location.

Eligibility requirements
• You are employed by a covered employer
• You work for an employer that has at least 50 employees during at least 20 workweeks in the current or previous calendar year
• You have worked for your employer at least 12 months
• You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
• Your employer has at least 50 employees within 75 miles of your work location.

When can I use FMLA leave? An employee who is eligible for FMLA leave may take leave for:
• The birth, adoption, or foster care placement of a child
• The care of a seriously ill family member
• Your own serious health condition that makes you unable to work

Who are covered employers? For purposes of the FMLA:
• Employers who are subject to the jurisdiction of the U.S. Department of Labor
• Employers who are subject to Title VII of the Civil Rights Act of 1964, as amended (largely dealing with race, color, sex, religion, national origin, and other similar grounds)
• Employers subject to the Family and Medical Leave Act (FMLA)

How to file a FMLA leave report
• An employee must give a notice to the employer
• An employer must notify employees of the FMLA

What should you do if you think your rights have been violated? If you believe you have been discriminated against in employment because of your race, color, national origin, sex, or religion, you may file a charge:
• With the Equal Employment Opportunity Commission (EEOC)
• With the appropriate state fair employment practice agency

What is a charge of discrimination? A charge of discrimination is the formal complaint that you file with the EEOC or your state’s equivalent if you believe you have been discriminated against in employment because of your race, color, national origin, sex, or religion.

How do you file a charge? You must file a charge of discrimination within 180 days of the alleged discrimination.

Rights of a charge of discrimination
• An employee may use a charge of discrimination to:
• File a lawsuit
• Settle a case

For assistance, contact:
Equal Employment Opportunity Commission (EEOC)
Office of Equal Opportunity Programs
1050 Manhattan Avenue
City of New York
New York, NY 10009

[Contact information for state agencies that enforce the law in your state is listed in most telephone directories.]

What sanctions can be imposed? Employers who violate the law may be subject to:
• Civil money penalties
• Litigation in Federal court

For more information, contact:
Equal Employment Opportunity Commission
1050 Manhattan Avenue
City of New York
New York, NY 10009

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What is Pay Transparency? Pay Transparency is a program that requires Federal contractors to disclose the compensation of current and former employees. This includes pay, bonuses, and other compensation.

Who must disclose pay information? Contractors who have contracts with the Federal government must disclose pay information.

What is the purpose of Pay Transparency? The purpose of Pay Transparency is to give employees and potential employees a clearer understanding of what they can expect to earn at a particular job.

For more information, contact:
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1050 Manhattan Avenue
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New York, NY 10009

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What are the requirements for Pay Transparency? The requirements for Pay Transparency are:
• Contractors must disclose pay information for employees who have worked for the contractor for at least 60 days
• Contractors must disclose pay information for employees who have been previously employed by the contractor

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What are the penalties for not complying with Pay Transparency? Contractors who fail to comply with Pay Transparency may be subject to:
• Civil penalties
• Litigation in Federal court

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What is the Effect of Pay Transparency on Employees? Pay Transparency gives employees more information about what they can expect to earn at a particular job. This can help employees make more informed decisions about which jobs to apply for.

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