

## POTENTIAL ACTIONS THAT CAN LEAD TO AN EEO COMPLAINT

### **EXAMPLE 1: RACIAL ANIMUS**

The employer is a family-owned construction company in need of a construction manager for one of its work crews. Dexter, an African American, is new to the area and applies for the job. He held the same position with another company before relocating. Dexter is rejected. When he finds out that a less-qualified White person was hired instead of him, Dexter alleges discrimination. The company secretary credibly testifies that she overheard an argument between the owner and his son over whether Dexter should be hired. Because Dexter was clearly the most qualified applicant, the son wanted to hire Dexter, but the owner did not. At one point the secretary heard the owner say: "As long as I'm running this company I won't have a Black man doing a White man's job!"

### **EXAMPLE 2: DISCRIMINATORY SELECTION DECISION**

Female employee, Rita, has worked seven years as a Program Analyst for a federal agency. She consistently has received outstanding performance evaluations. Each of the last four years, Rita has applied for openings for jobs in her office in a higher grade. The agency has rejected Rita each time. After the fourth rejection, Rita initiated EEO counseling, and then a formal complaint, because she believed she had been repeatedly discriminated against. She stated that four male employees were promoted over her, each time for a different reason. The investigation reveals that the agency actually did apply the same promotion criteria during each selection. Importantly, however, witness interviews and documentary evidence (e.g., the employer's interview notes) strongly suggest that the agency weighted the criteria differently each time so that Rita was the least qualified applicant. In other words, it appears that when a job-related qualification favored Rita it was deemed less important than when a qualification favored a male candidate. There is reasonable cause to believe Rita may have been discriminated against based on her gender.

### **EXAMPLE 3: SEXUAL HARASSMENT**

Kathleen, supervisor in the TKO Department, often refers to Duane, an employee in her department, as "hot." She tells off-color jokes, and presses him for details on what he does after work. Duane tells Kathleen that this type of conversation makes him uncomfortable, but Kathleen, ignores him and does not stop. Duane speaks to the Manager, Mark, about Kathleen's behaviour and files a sexual harassment complaint with the EEO Officer.

### **EXAMPLE 4: HOSTILE WORK ENVIRONMENT/HARASSMENT/RELIGION**

A supervisor in your agency occasionally makes derogatory comments to an employee, Mohammed, about his Muslim religion, such as, repeatedly referred to him as "Taliban" or "Arab" and asked him "why don't you just go back where you came from since you believe what you believe?" When Mohammed questioned why it was mandatory for all employees to attend a United Way meeting, his supervisor said, "This is America; that's the way things work over here; this is not the Islamic country where you come from." The Mohammed has complained to management but nothing was done. Mohammed informed the supervisor that this conduct is unprofessional and that it should cease. At the next performance appraisal meeting Mohammed received a rating of "below average". Mohammed's performance had been consistently rated as "superior" before this incident and his work quality has not changed. The manager then informs Mohammed that as a result of this poor evaluation, she had no choice but to place him on probation.

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### **EXAMPLE 5: SEX DISCRIMINATION**

You apply for a mailroom clerk job at AOL agency. The manager interviews you and is impressed by your past work experience and your cheerful demeanor. He offers you the job. At the end of the interview you begin to chat about your families, and the manager mentions that one of the joys of married life is having children. Delightedly you respond that you and your husband are expecting your first child. A few days later you call to find out when you should start work. Your manager informs you that he decided to hire someone different because he is afraid that you will not be able to lift the heavy boxes without hurting yourself. You tell the manager that he should not assume that you can't do the job because of your pregnancy.

### **EXAMPLE 6: GENDER IDENTITY & EXPRESSION**

Jamie is hired as an office secretary and has been employed for approximately six months. During her tenure she has received exceptional performance reviews and has reorganized the front office. During her eighth month of employment, Jamie begins hormone therapy to transgender into a man. Within months, Jamie's appearance drastically changes from female to male and she begins to dress masculine. Jamie begins to grow facial hair and her voice changes; however, her work performance remains consistently exceptional. Jamie then officially changes her name from Jamie to James and requests that her employer and co-workers address him as James. Since the company prefers a woman at their front desk, James is fired because he is now a man.