What types of discrimination are you protected against?

Federal, USDA and Equal Employment Opportunity Commission's (EEOC's) mandates protect you against discrimination based on any of the following factors:

- Race
- Color
- Religion
- Sex (including sexual harassment)
- National origin
- Age
- Physical and/or mental disability
- Political beliefs/affiliation
- Marital status and familial status
- Sexual orientation
- Protected genetic information
- Retaliation/Reprisal

What should you do if you feel that you have been discriminated against?

- If you believe that you have been unlawfully discriminated against, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the effective date of the action. You will then have the opportunity to resolve the complaint informally through the traditional EEO counseling or Alternative Dispute Resolution (ADR) process. If resolution is not achieved via the informal process, you can file a formal complaint.
- If you are covered by a ***negotiated bargaining agreement***, which permits allegations of discrimination, you may elect to proceed under the negotiated bargaining agreement, rather than filing a formal complaint of discrimination. However, you are allowed to pursue only one avenue of redress.
- For cases involving discrimination based on ***martial status*** or ***political affiliation***, written complaints can be filed with the U.S. Office of Special Counsel. These cases can also be pursued through the agency's ***administrative grievance system*** or ***negotiated grievance procedures***, if applicable.

Summary

The **No Fear Act** came into effect to ensure that your rights as employees, former employees, and applicants for employment are protected under discrimination, whistleblower, and retaliation laws.

If you believe that you have been unlawfully discriminated against, you must contact the appropriate legal authorities to discuss your concerns or to file a complaint. For an EEO discrimination case, contact an EEO Counselor within 45 days of the alleged discriminatory action. If the case involves whistleblower retaliation, you should contact the Office of Special Counsel.

Under the existing laws, USDA retains the right, where appropriate, to discipline an employee who has engaged in discriminatory or retaliatory conduct, up to and including removal.

Resources

For more details, visit the following websites:

EEO Complaint Process
www.ascr.usda.gov/complaint_filing_file.html
Office of Special Counsel
www.osc.gov
No Fear Act Statistics (USDA wide)
http://www.usda.gov/nofear/allusda/index.html
USDA Office of Civil Rights
www.ascr.usda.gov

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

United States Department of Agriculture (USDA)

The No Fear Act

What Is the No Fear Act?

'***No Fear***' stands for '**Notification and Federal Employee Antidiscrimination and Retaliation**'. This Act was passed on May 15, 2002 by the U.S. Congress to ensure that your rights as employees, former employees, and applicants for employment are protected under discrimination, whistleblower, and retaliation laws.

The No Fear Act requires Federal agencies to:

- be accountable for violations of antidiscrimination and whistleblower protection laws
- post quarterly, on their public website, certain statistical data relating to Federal sector equal employment opportunity complaints filed with the respective agency
- train and notify employees of their rights and protections under the antidiscrimination and whistleblower laws

Each Federal Agency **must** comply with the statutes of this Act.

What is unlawful discrimination?

Unlawful discrimination is difference in treatment of a person or group based on a prohibited factor such as race, color, religion, national origin, sex, age or disability.

Some examples of discrimination are listed below.

- A female applicant is not appointed to a managerial position on the grounds that male subordinates would not respect her
- An employee did not get promoted to a senior level position because he was considered "too old" for that position

Disciplinary Actions Against Violating Employees

Under the existing laws, a Federal Agency retains the right, where appropriate, to discipline an employee who has engaged in discriminatory or retaliatory conduct, up to and including removal.

No Fear Act limitations

- Consistent with Federal law, nothing in the No Fear Act shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States
- The No Fear Act does not permit an Agency to take unfounded disciplinary action against a violating Federal employee

What does the term "whistleblower" mean?

A whistleblower is a federal employee or former employee who reports misconduct to people or entities that have the power to take corrective action. A whistleblower discloses information he or she reasonably believes evidences:

- A violation of any law, rule or regulation
- An abuse of authority or regulation
- A substantial and specific danger
- Gross mismanagement to public health
- A gross waste of funds
- A substantial and specific danger to public safety

What Is Whistleblower Retaliation?

A federal employee authorized to take, direct others to take, recommend or approve any personnel action may ***NOT*** take, fail to take, or threaten to take any prohibited personnel action against an employee because of protected whistleblowing.

What should you do if you have been subject to whistleblower retaliation?

If you believe that you have been subject to retaliation for protected whistleblowing, you can file a complaint with the Office of Special Counsel (OSC). For more details, visit www.osc.gov.

Manager and supervisor responsibilities

Managers and supervisors have responsibilities to:

- Promote and ensure Equal Employment Opportunity
- Maintain a working environment that is free of unlawful discrimination
- Initiate disciplinary action, as appropriate
- Provide Reasonable Accommodation for qualified individuals with disabilities
- Cooperate with EEO Counselors, investigators, and other officials involved in the processing of complaints/appeals
- Provide official time for employees requesting time to work on complaints/appeals
- Participate in the ADR process, when requested