

# Equal Employment Opportunity

Lesley A. Andrews  
EEO Program Manager





# Equal Employment Opportunity

---

The enforcement of laws to  
prevent employment  
discrimination



# The Role of EEO in the Workplace

---

- Essential to fostering a fair and inclusive workplace is the assurance of EEO for everyone.
- Every VA employee must be treated with the utmost dignity and respect.
- Everyone must commit to creating a fair and inclusive workplace where there is an opportunity to enjoy the benefits of employment.



# EEO and the High Reliability Organization



- High Reliability Organizations promote a psychologically safe work environment that encourages the workforce to speak up and report concerns.
- EEO promotes the principles of HRO in the mandates to prohibit discrimination.



# What Does EEO Cover?

All aspects of employment:

- **Hiring**
- **Training**
- **Promotion**
- **Advancement**





**DISCRIMINATION**

## What Does EEO Cover?

Prohibited Behavior:

- **Discrimination**
- **Retaliation**
- **Harassment**



**WORKPLACE  
HARASSMENT**



**RETALIATION**

# DISCRIMINATION.

It stops with **you**.

If not **you**, then who?

Discrimination  
is Prohibited

VA does not tolerate  
discrimination based on:

- Race
- Color
- Religion
- National Origin
- Sex (includes gender identity, transgender status, sexual orientation and pregnancy)
- Age (40 or older)



**SPEAK UP STOP DISCRIMINATION**

## Discrimination is Prohibited

VA does not tolerate discrimination based on:

- Disability
- Genetic information
- Marital Status
- Parental Status
- Political Affiliation
- Retaliation



# Harassment is Prohibited

Harassment is considered unlawful conduct that is based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age (40 or older), disability, genetic information, marital status, parental status, political affiliation or retaliation for opposing discriminatory practices or for participating in the discrimination complaint process.

# Harassment is Prohibited

Harassment by or against VA employees, applicants for employment, contract employees, clients, customers or anyone doing business with VA is strictly prohibited.



# Harassment Examples – Negative Statements



- Racial Slurs
- Gender Slurs
- Religious Slurs
- Sexual Orientation Slurs

# Bullying is Prohibited

---

- Workplace violence, the threat of violence or bullying of workers is strictly prohibited.
- Bullying conduct includes fighting, verbal and non-verbal hate messages, threats or expression of intention to inflict harm.
- Bullying also includes abusive, offensive, unprofessional, intimidating, slanderous, malicious, derogatory or otherwise inappropriate, unacceptable language or other behavior intended to degrade or humiliate a particular person or group of people.







# Sexual Harassment

- Sexual harassment is *unwelcome* attention of a sexual nature that takes the form of unwelcome comments and unwelcome behavior.
- Sexual harassment occurs when acceptance or rejection of the harassment is required for continued employment or impacts his/her treatment by the harasser.
- Sexual harassment occurs when the conduct or comments unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment for the target of the harassment or for observers.
- Sexual harassment can also include behaviors that are not overtly sexual in nature but that reflect negative attitudes based on sex or gender.

# Retaliation is Prohibited

The VA does not tolerate retaliation based on race, color, religion, national origin, sex (including gender identity, transgender status, sexual orientation and pregnancy), age (40 or older), disability, genetic information, marital status, parental status, political affiliation.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination complaint, testifying or participating in any way in an investigation, proceedings or lawsuit under these laws, or for opposing employment practices that they reasonably believe discriminate against individuals in violation of these laws.



## Who Can Be A Victim?

- Men
- Women
- Young
- Old
- Staff
- Patient
- Different Gender
- Same Gender





# What Happens to Victims?

- Fear
- Shame
- Poor physical health
- Poor mental health
- Drug or alcohol abuse
- Tardiness and absenteeism
- Feel helpless
- Feel unsafe





## What Happens to the Workplace?

These behaviors affect the overall "health" of an organization. An "unhealthy" workplace can have many effects. In general, these include:

- Increased absenteeism
- Increased turnover
- Increased stress
- Increased costs for employee assistance programs (EAPs), recruitment, etc.
- Increased risk for accidents & incidents
- Decreased productivity and motivation
- Decreased morale
- Reduced organization image and customer confidence
- Poorer customer service

# EEO Policies

# VA Secretary's Policy Statement

- Published each year by the VA Secretary
- Provided to all employees via Outlook
- Latest edition published in March 2021
- All staff expected to comply

# VA Secretary's Policy Statement

- Provides information on:
  - ✓ The No FEAR Act
  - ✓ Prohibited Personnel Practices
  - ✓ Whistleblower Rights and Protections
  - ✓ Reasonable Accommodations
  - ✓ Diversity and Inclusion
- Promotes Alternative Dispute Resolution (ADR) to resolve disputes.
- Provides information on the VA's EEO discrimination complaint process.
- Prohibits discrimination, harassment, workplace violence, and bullying.





## MESSAGE FROM THE VA SECRETARY:

### The Equal Employment Opportunity, Diversity and Inclusion, No FEAR and Whistleblower Rights and Protection Policy Statement

As a member of what will be the most diverse White House Cabinet in history, I am honored to lead the Department of Veterans Affairs (VA). We are charged with caring for Veterans, their families, caregivers and survivors. We will accomplish our mission by always putting Veterans first. I take full responsibility to ensure that our employees have everything they need to carry out the important work before us and that we operate in a culture that celebrates and draws strength from our country's great diversity

**This means that all VA staff, patients, their families, caregivers, survivors, visitors and advocates must feel safe in a workplace free of harassment and discrimination. I will not accept discrimination, harassment, or assault at any level or at any facility within VA. We will provide a safe, inclusive, equitable environment for all employees and the Veterans we serve.**

To ensure a welcoming environment for Veterans, we must foster fair and inclusive VA workplaces where the experiences and perspectives of our diverse employees are valued. The success of our mission depends on everyone being able to contribute their expertise, experience, talents, ideas and perspectives. I commit to advancing equity in VA and providing all employees with opportunities to reach their full potential; I commit to these principles and will make sure that my senior leadership team reflects and embeds them in everything that we do.



One manifestation of that will be the Department's commitment to equal employment opportunity, maintaining a workplace free of unlawful discrimination, harassment and retaliation and creating a workplace that promotes equity, diversity and inclusion. All employees, regardless of race, color, religion, national origin, sex (including gender identity, transgender status and sexual orientation), pregnancy, age (40 or older), disability, genetic information, marital status, parental status, or political affiliation, will have an equitable and inclusive workplace, free from unlawful discrimination, harassment and retaliation.

I hold all VA managers and supervisors accountable for maintaining this safe and civil environment. I instruct them to review this Policy Statement with staff and colleagues and reinforce these expectations. These protections will guide all management practices.

VA and our Nation face great challenges made even more daunting by the COVID-19 pandemic. These challenges make it even more important that we have workplaces where everyone is treated well. I am committed to ensuring that employees have what they need to serve our Nation's Veterans as well as those Veterans who have served us. As Americans, we owe a profound debt of gratitude to those who have worn our Nation's uniforms.

I appreciate you, your invaluable service to VA and your devotion to America's Veterans.

Denis McDonough



## Local Policies

---

KCVA Intranet

---

EEO Policy: 00-00-050

---

Harassment Prevention: 00-00-055

# Alternative Dispute Resolution (ADR)



# VA's ADR Program

---

**The Department of Veteran Affairs is committed to providing a work environment that enables VA employees to deliver quality care and services to our Nation's veterans and their beneficiaries.**

---

**To accomplish this, employees must have access to effective and efficient mechanisms for managing conflict and resolving workplace disputes.**

---

**Alternative Dispute Resolution (ADR) is a valuable resource in managing conflict and resolving disputes.**

# Alternative Dispute Resolution (ADR)

To maintain a respectful, productive and effective work environment, it is VA's policy to address and resolve workplace disputes and EEO complaints at the earliest possible stage.

The VA utilizes forms of ADR to include Mediation. Mediation involves a neutral third party working with the employee, supervisor or group (for Facilitation) to engage in constructive communication, identify issues and develop collaborative solutions.



## Alternative Dispute Resolution

### Mediation Session

- Mediator (Neutral)
- 2 parties In Conflict
- Union Representative

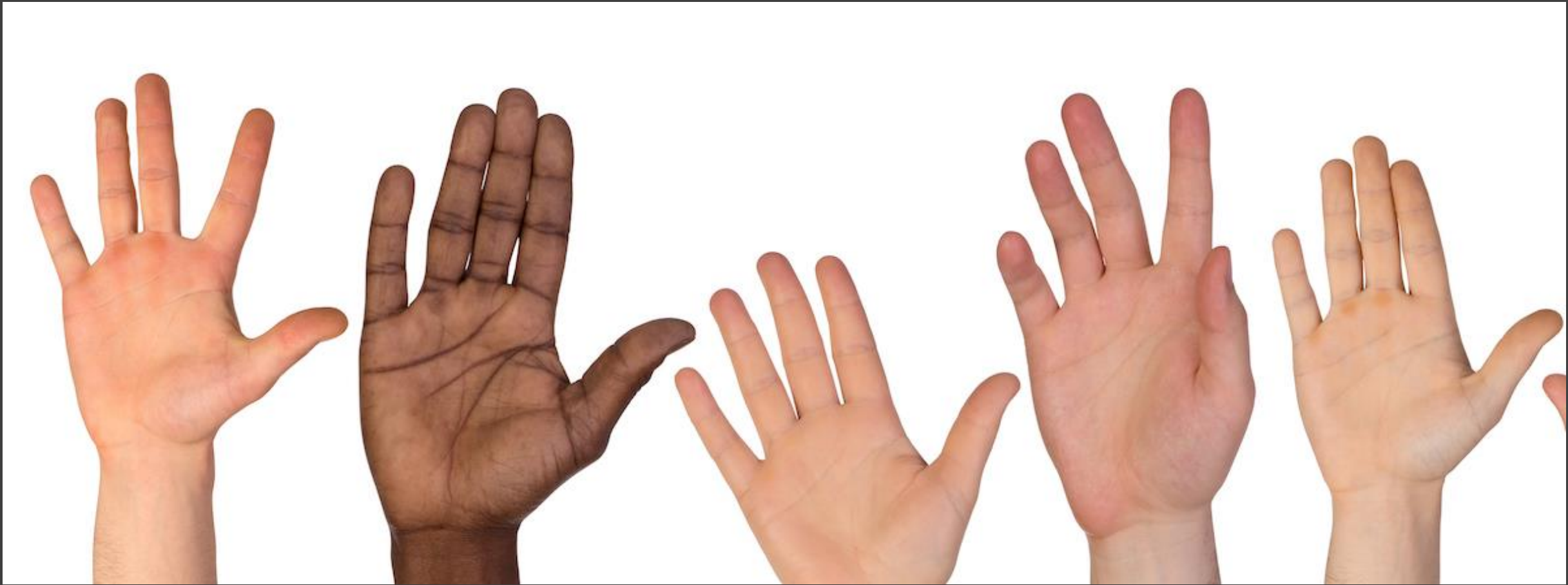
# ADR Process

- Mediation is available to all employees.
- Requests to participate in mediation can be provided to the supervisor, Union, or directly to the EEO Office. A request form is also available on the EEO SharePoint site.
- Sessions will be scheduled during your tour.
- Sessions are currently virtual via Microsoft Teams.
- You may elect to have 1 person join you and assist you during the mediation session.



EEO Complaints |





## Who Can File A Discrimination Complaint?

An employee, former employee, or applicant for employment, who believes discrimination occurred on the bases of race, color, religion, sex, sexual orientation, transgender orientation, national origin, age (40 or over), disability, genetic information, or retaliation for EEO activities, may initiate a complaint of discrimination.

# The Discrimination Complaint Process

## The Informal Stage

Consists of EEO counseling and ADR

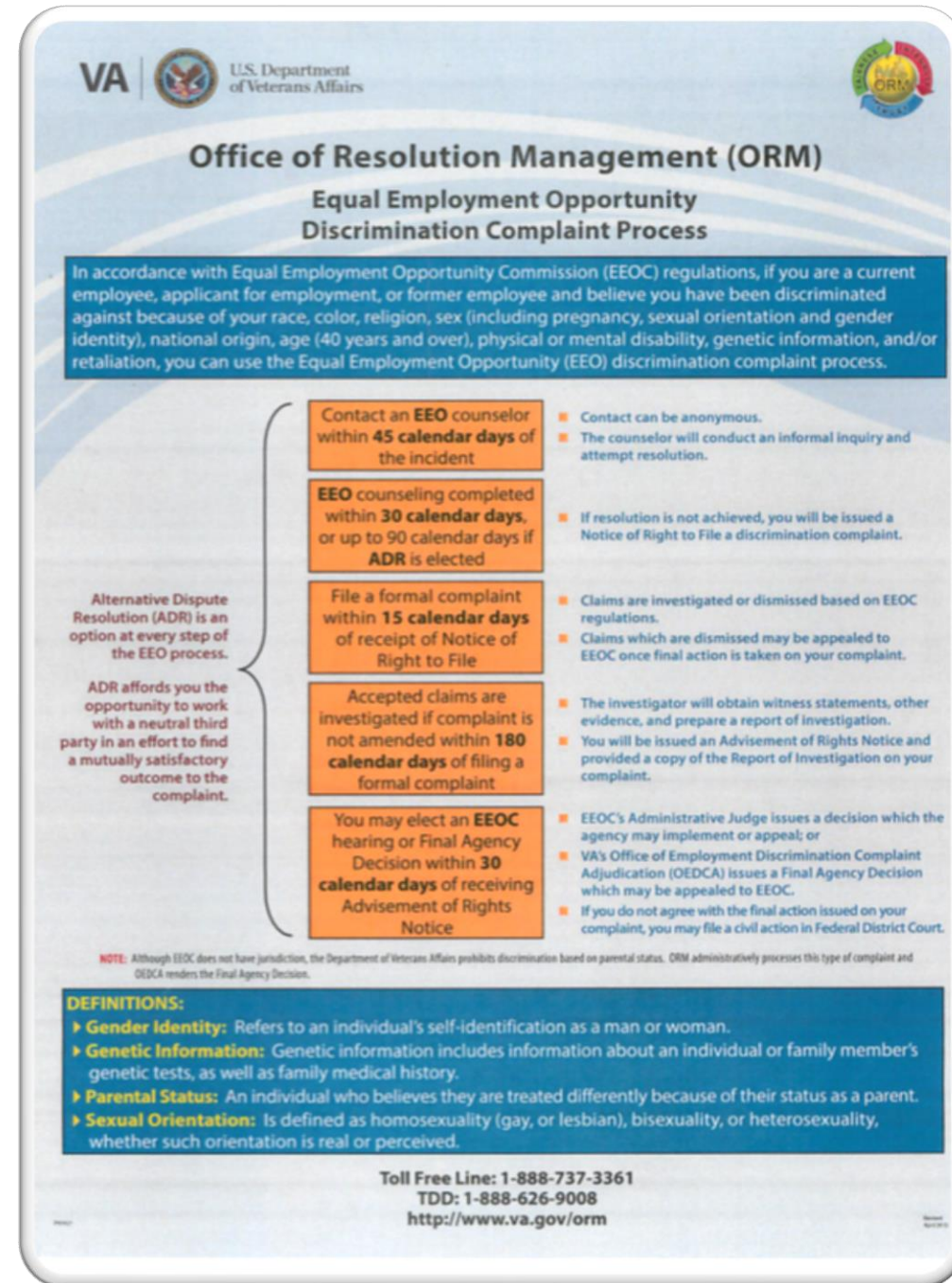
## The Formal Stage

Requires a formal complaint of discrimination and may include an investigation.

# Filing a Complaint

# Office of Resolution Management, Diversity and Inclusion

- Processes discrimination complaints for VA
- Requires you to raise a complaint of discrimination **within 45 calendar days** of the event
- To contact them, call 1-888-566-3982



**VA** | U.S. Department of Veterans Affairs

**Office of Resolution Management (ORM)**  
**Equal Employment Opportunity  
Discrimination Complaint Process**

In accordance with Equal Employment Opportunity Commission (EEOC) regulations, if you are a current employee, applicant for employment, or former employee and believe you have been discriminated against because of your race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (40 years and over), physical or mental disability, genetic information, and/or retaliation, you can use the Equal Employment Opportunity (EEO) discrimination complaint process.

**Alternative Dispute Resolution (ADR)** is an option at every step of the EEO process. ADR affords you the opportunity to work with a neutral third party in an effort to find a mutually satisfactory outcome to the complaint.

**Process Steps:**

- 1. **Contact an EEO counselor within 45 calendar days of the incident.**
  - Contact can be anonymous.
  - The counselor will conduct an informal inquiry and attempt resolution.
- 2. **EEO counseling completed within 30 calendar days, or up to 90 calendar days if ADR is elected.**
  - If resolution is not achieved, you will be issued a Notice of Right to File a discrimination complaint.
- 3. **File a formal complaint within 15 calendar days of receipt of Notice of Right to File.**
  - Claims are investigated or dismissed based on EEOC regulations.
  - Claims which are dismissed may be appealed to EEOC once final action is taken on your complaint.
- 4. **Accepted claims are investigated if complaint is not amended within 180 calendar days of filing a formal complaint.**
  - The investigator will obtain witness statements, other evidence, and prepare a report of investigation.
  - You will be issued an Advisement of Rights Notice and provided a copy of the Report of Investigation on your complaint.
- 5. **You may elect an EEOC hearing or Final Agency Decision within 30 calendar days of receiving Advisement of Rights Notice.**
  - EEOC's Administrative Judge issues a decision which the agency may implement or appeal; or
  - VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) issues a Final Agency Decision which may be appealed to EEOC.
  - If you do not agree with the final action issued on your complaint, you may file a civil action in Federal District Court.

**NOTE:** Although EEOC does not have jurisdiction, the Department of Veterans Affairs prohibits discrimination based on parental status. ORM administratively processes this type of complaint and OEDCA renders the Final Agency Decision.

**DEFINITIONS:**

- ▶ **Gender Identity:** Refers to an individual's self-identification as a man or woman.
- ▶ **Genetic Information:** Genetic information includes information about an individual or family member's genetic tests, as well as family medical history.
- ▶ **Parental Status:** An individual who believes they are treated differently because of their status as a parent.
- ▶ **Sexual Orientation:** Is defined as homosexuality (gay, or lesbian), bisexuality, or heterosexuality, whether such orientation is real or perceived.

**Toll Free Line: 1-888-737-3361**  
**TDD: 1-888-626-9008**  
**<http://www.va.gov/orm>**



# OPPORTUNITY

## AND EVENTS



# Career Programs

- Internship Programs – The VA offers several programs for current students, recent graduates, and internships for VA employees.
- Leadership Programs – VA offers various programs including Facility and VISN LEAD. There are national leadership programs designed to training current staff.
- Nursing Scholarship Programs – VA offers several nursing scholarships with the KCVA currently recruiting for scholarship program participation.





# SPECIAL EMPHASIS PROGRAMS

- Special Emphasis Programs - Designed to focus on a segment of our workforce to promote achievements and work to eliminate employment barriers.
- Specific KCVA Programs - African American, Women, Asian American, LGBT, South Asian, Hispanic, Persons with Disabilities, Native American, and Middle Eastern and North African Descent.
- Participation – Develop a Program concept, participate in a program, help plan and host a program/event, suggest ideas, share an EEO or Diversity concern to address for the workforce.





Diversity Day









Questions?