

DISCRIMINATION AGENCY FINDS ITSELF IN THE DOCK FOR....DISCRIMINATION



It would be stating the obvious that an agency that is charged with safeguarding workers from discrimination would know exactly how not to get sued for similar reasons. Strangely however, the Equal Employment Opportunity Commission finds itself embroiled in a discrimination suit, proof enough that it did not learn the lessons it dished out to others. Bullock worked as an administrative law judge at the agency until 2007. She sued the EEOC in 2006 that she was discriminated against because of her multiple sclerosis and systemic lupus. She alleged that the agency had infringed on the Rehabilitation Act. The act provides protections to qualified workers, with a disability, from being prejudiced against in firms that received federal funding. To find itself charged of discriminatory practices and failure to discharge its duties fairly must be particularly embarrassing for the agency, given that it is its duty and responsibility to enforce federal laws that are mandated to protect discrimination against employees. Discriminated against workers seek solace at its portals and last year it had received 25,742 complaints from workers who had sought its assistance claiming that they were facing discrimination because of their disability. It is the EEOC duty to look into these charges and take appropriate action in complaints that they find convincing. During her tenure with the EEOC, Bullock filed an internal complaint claiming that she was discriminated against for her disability, but contract judge ruled that she did not qualify for protection under the Rehabilitation Act as she was unable to execute her duties even with accommodation, like being allowed to work from home to better cope with her illness. However, the judge also established that the EEOC did not take lightly to her actions and retaliated against her following her complaint. In her lawsuit she claims that the agency withheld her promotion, did not grant permission to work from home and gave her stricter schedules than her employees who were not disabled. She claims that she was ostracized and made to feel that she did not belong and was "effectively discharged." Both the EEOC and Bullock appealed internally, but Bullock with the intention of filing a civil suit, withdrew her suit. However, her suit was dismissed by the district court saying that it followed too closely on the heels of her administrative complaint and that she had not gone through all the administrative channels. However, the appeal court overturned the decision earlier this week, meaning that Bullock can go ahead with her suit. The Ninth Circuit Court of Appeals, in reversing the ruling said that there was no need for Ms. Bullock to wait to file her lawsuit as an administrative law judge had ruled on her complaint and hence the administrative appeal was optional. "The employee's lawsuit in district court may proceed even though the employee filed and then withdrew an administrative appeal," wrote Judge William A. Fletcher. The ruling was added embarrassment for the EEOC that it did not comprehend its administrative appeals procedure as well as its former employee. What further embarrassment is in store for the agency will depend on what course the legal actions take. It is indeed ironic and incongruous that a federal agency entrusted with the task of ensuring that workers are treated without bias or prejudice is finding itself in the dock, charged with discriminating against one of its own. Statistics show that almost 70 percent of workers with disabilities are unable to find work, owing to their disability and that workers with disabilities are liable to face extensive discrimination both at work and when searching for a job. Last month's labor report showed that a mere 32 percent of employable Americans with disabilities were part of the US Labor force. It seems however, the government has woken up to the seriousness of the matter. It has proposed a rule that companies with federal contracts, must provide employment to workers with disabilities and that their workforce must have at least 7 percent such workers.