

## **GLOSSARY OF EQUAL OPPORTUNITY TERMS**

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**An Equal Employment Opportunity/Affirmative Action Glossary.** Here's an alphabetical list of the basic terms you'll come across in discussion of EEO and affirmative action programs. The definitions are short and are meant to give you a general idea of what's involved. These definitions have been secured from the Equal Employment Compliance Manual of the Equal Employment Opportunity Commission (EEOC).

**Affirmative action plan (AAP)** - A written plan with a specific program to eliminate or prevention discrimination. Some are required by law; others are developed under court order. The AAP is often designed to remedy past discrimination and to make sure it doesn't happen again. Developing an AAP usually involves four steps: an analysis of the representation of various groups in your workforce; the setting of numerical goals and timetables to get more members of underrepresented classes on the workforce; an explanation of the methods to be used to eliminate discrimination; and the establishment of responsibility for implementing the program.

**American Indian or Alaskan native** - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa. The Indian Subcontinent takes in the countries of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim and Bhutan.

**Black, not of Hispanic origin** - A person having origins in any of the black racial groups of Africa.

**Complaint** - The formal notification of alleged discrimination to the proper authority. The complaint should contain enough information to permit an investigation. The complaint is usually considered filed when it's delivered to the proper official or office. It doesn't always have to be in writing and the *charging party* doesn't always have to identify himself or herself.

**Compliance review** - An investigation to see whether a particular employer, union, employment agency, or other organization is in compliance with the nondiscrimination requirements of the laws and *regulations*. Depending on the law, the agency, and the agency's regulations, compliance reviews may be conducted with or without a *complaint*. Reviews may be limited to a particular complaint or they may include an entire organization or an entire industry. Agencies conducting reviews may look into the circumstances and facts of specific discrimination charges, examine policies and practices which may result in discrimination, and decide whether or not AAPs and complaint procedures are adequate.

**Conciliation** - The process of trying to settle a discrimination complaint, usually through informal negotiations, without resorting to a formal hearing or legal action. Conciliation is generally the first step in a discrimination suite with EEOC. When a charge is made to EEOC, the agency sits down with the employer and tries to work out a voluntary solution.

**Disabled veteran** - The federal Vietnam Era Veterans' Readjustment Assistance Act, as amended, actually uses the term "special disabled veteran" which it defines as (1) a veteran entitled to compensation, or who but for receipt of military retirement pay would be entitled to compensation, under laws administered by the Veterans Administration for a disability that's rated at 30 percent or more or, for veterans from active duty because of service-connected disability. The Act requires covered government contractors and subcontractors to take affirmative action to benefit special disabled veterans.

**Discrimination** - Unequal treatment of a class of persons. If the result of an action, policy, or practice is unequal treatment of a particular protected class, then that action, policy or practice is discriminatory. Discrimination may involve a single act or it may involve a continuing policy or practice. It may be intentional or unintentional; purpose or intent is irrelevant when the effect is to deny equal opportunity.

**Disparate treatment** - Your policies must treat all groups in the same way. You can't, for example, have one set of rules for women and another for men. You can be charged with discrimination if there's disparate treatment--if all your policies aren't applied to all groups in the same way.

**Equal employment opportunity** - Equal access to all available jobs and training, under equal terms and conditions, and with equal benefits and services without actions, policies, or practices which differentiate among applicants or employees on the basis of race, color, national origin, sex, age, or religion. This includes equality in recruitment, hiring, layoff, discharge, recall, promotion, training, responsibility, wages, vacation, overtime, insurance, retirement and pension benefits, and breaks.

**Executive orders** - Orders issued by the President which are binding on the executive branch of the federal government.

**Federal guidelines** - Interpretations, clarifications, and positions of various government agencies designed to help you comply with the laws they enforce. Federal guidelines don't have the force of law, but they're generally accepted or given great weight by the courts.

**Disabled persons** - Under federal guidelines, handicapped persons are defined as persons who have physical or mental impairments that substantially limit one or more of their major life activities (talking, walking, working, etc.), have histories of those impairments, or are regarded as having those impairments. Persons "regarded as having those impairments" may not have handicaps, but appear to have them. They may have just as much trouble getting and keeping jobs as persons who are really handicapped.

**Hispanic** - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Minority groups** - For purposes of nondiscrimination and affirmative action reporting, the five standard categories are: American Indian or Alaskan native; Asian or Pacific Islander; Black, not of Hispanic origin; Hispanic; White, not of Hispanic origin.

**Parity percentages** - When the percentage of minorities and women on the job in your company equals the percentage of minorities and women in your labor market, you have achieved parity percentages.

**Right to file suit** - The charging party's right to file a civil action to enforce a right which allegedly was violated. Although many anti-discrimination laws don't give charging parties this right, a compliance agency or the Justice Department may file suit and let the charging party take part. The charging party may also be given the right to file suit by the compliance agency.

**Selection procedure** - A measure or procedure (other than bona fide seniority system) used as a basis for any employment decision. Examples: traditional paper-and-pencil tests; performance tests; training programs or probationary periods; physical, educational, and work experience requirements; informal or formal interviews; application forms; etc.

**Underutilization** - Having a lower percentage of minorities and women in some jobs than there is in your company's labor market.

**Veteran of the Vietnam era** - The federal Vietnam Era Veterans' Readjustment Assistance Act, as amended, defines the term as a veteran, any part of whose active service was during August 5, 1964 through May 7, 1975, who (1) served on active duty for more than 180 days and received an other than dishonorable discharge or release therefrom, or (2) was discharged or released from active duty because of a service connected disability. The Act requires covered government contractors and subcontractors to take affirmative action to benefit veterans of the Vietnam era.

**White, not of Hispanic origin** - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East. In certain contexts, particularly in contract with Hispanics, whites are referred to as Anglos.