



**THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON**

March 15, 2021

TO ALL EMPLOYEES

SUBJECT: 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 the attached Policy Statement with staff and colleagues and reinforce these expectations. These protections will guide all management practices.

Page 2.

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

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

Attachment

**Department of Veterans Affairs
Equal Employment Opportunity, Diversity and Inclusion, No FEAR
and Whistleblower Rights and Protection Policy Statement**

The Department of Veterans Affairs (VA) is committed to ensuring Equal Employment Opportunity (EEO), promoting workforce diversity, workplace inclusion, proactively preventing unlawful harassment, including the prevention of Sexual Harassment and constructively resolving workplace disputes to sustain a high-performing organization in service to our Nation's Veterans. VA will vigorously enforce all applicable Federal EEO laws, regulations, executive orders and management directives to ensure equal opportunity in the workplace for all VA employees and applicants.

EEO and Prohibited Discrimination

VA does not tolerate unlawful discrimination, workplace harassment or 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 or retaliation for opposing discriminatory practices or participating in the discrimination-complaint process. This applies to all terms and conditions of employment, including recruitment, hiring, promotions, transfers, reassignments, training, career development, benefits and separation.

Gender identity refers to an individual's internal sense of being male or female. Transgender refers to people whose gender identity and/or expression is different from the sex assigned to them at birth. The General Services Administration (GSA), which governs the use of Federal facilities, prohibits discrimination or segregation of any person because of his or her gender identity or transgender status in refusing to provide each person the use of any facility of a public nature, including all services, privileges, accommodations and activities provided on the property. Accordingly, VA will not restrict, segregate or otherwise discriminate against any individual on the basis of gender identity in the use of public facilities.

Prohibited Workplace Harassment Covered by EEO Laws

Harassment is a form of employment discrimination that violates title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, as amended, and the Genetic Information Nondiscrimination Act of 2008. 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 opposing employment practices that they reasonably believe discriminate against individuals in violation of these laws.

Harassment by or against VA employees, applicants, contract employees, clients, customers or anyone doing business with VA is strictly prohibited. Harassment becomes unlawful when: (1) enduring the offensive conduct affects a term or condition of continued employment; or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Also, 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 participating in the discrimination-complaint process.

Harassment Prevention Program

The Harassment Prevention Program (HPP) is an enterprise-wide program within the Office of Resolution Management, Diversity and Inclusion (ORMDI) that provides centralized tracking, monitoring and reporting processes to proactively respond to all allegations of harassment, whether or not accompanied by an EEO claim. The objective of the HPP is to ensure management: 1) addresses inappropriate behavior before it becomes severe or pervasive; 2) conducts a prompt, thorough and impartial inquiry or fact-finding into allegations of harassing conduct; and 3) takes immediate and appropriate corrective action when the Agency determines that harassing conduct has occurred; thus, eliminating EEO litigation, low morale, turnover and the negative impact on the care of our Nation's Veterans. Additionally, HPP is responsible for providing education and awareness training on harassment prevention and the reporting process. To this end, HPP is committed to establishing transparency and accountability at every employment level.

Supervisors or managers who observe or are notified of harassing conduct are required to assess the situation immediately and consult with their local Harassment Prevention Coordinator or the Harassment Prevention Program within ORMDI. It is the supervisor's responsibility to ensure every employee is aware of the harassment prevention policy and reporting procedures. This means that supervisors should disseminate and enforce the harassment prevention policy and reporting procedures and take other responsible steps to prevent and abate harassment promptly. It is also the supervisor's responsibility to conduct an effective inquiry of a harassment allegation and initiate appropriate corrective actions, as warranted.

Employees have multiple avenues to report harassing conduct in the HPP arena: (1) contact your internal departmental resources, including but not limited to your first-line supervisor or the next level in your supervisory chain, if the harassment involves your supervisor; (2) contact the local [Harassment Prevention Coordinator](#) for your office (<https://www.va.gov/ORMDI/HPP.asp>); or (3) contact the ORMDI Harassment Prevention Program, at 888-566-3982, option 3.

Prevention of Sexual Harassment

Anyone can be a victim of workplace harassment. When VA employees engage in sexual harassment, it affects the agency's mission, reputation and credibility. Sexual harassment and misconduct create a hostile work environment that lowers employees' morale and productivity. Due to the seriousness of this issue, the Department has a zero-tolerance sexual harassment policy. For clarity, zero-tolerance means that all sexual harassment allegations must be taken seriously and that management officials who observe or are notified of sexual harassment allegations must take prompt and effective action to end the harassment and ensure that it does not reoccur.

Sexual harassment occurs when: (1) acceptance or rejection to the harassment is required (explicitly or implicitly) for continued employment; (2) acceptance or rejection of the harassment by an individual impacts his/her treatment by the harasser; or (3) the harassment unreasonably interferes with 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 reflect disparaging attitudes based on sex or gender.

Sexual harassment behaviors can be grouped into the following three broad categories: (1) gender harassment; (2) unwanted sexual attention of a sexual nature that is directed toward a person; and (3) sexual coercion.

1. Gender harassment involves unwelcome behaviors that disparage or objectify others based on their sex or gender. Examples include (1) derogatory or unprofessional terms related to sex or gender; (2) unwelcome sexual teasing, joking, comments or questions; (3) exposure to sexually oriented material (e.g., photos, videos or written material); and (4) exposure to sexually oriented conversations.
2. Unwanted sexual attention includes unwelcome behaviors of a sexual nature that are directed toward an individual. Examples include (1) unwelcome invasion of personal space (e.g., touching, crowding, leaning over); (2) unwelcome communications of a sexual nature (e.g., emails, phone calls, notes, text messages and social media contacts); (3) unwelcome sexually suggestive looks or gestures; (4) pressure for sexual favors; (5) pressure for dates; (6) stalking (e.g., unwanted physical or electronic intrusion into one's personal life); and (7) sexual assault or attempted sexual assault.
3. Sexual coercion occurs when an individual is pressured or forced to engage in unwanted sexual behavior. Example includes an offer of preferential treatment in the workplace in exchange for sexual favors (tangible employment action).

Alternative Dispute Resolution Services

Workplace conflict is often the result of miscommunication or creative tension in the organization. Properly managed, it can yield improvements in business processes and positive outcomes in the organizational climate. It is important that we maintain an organizational culture in VA that does not suppress creative conflict or constructive dissent. 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. If an employee wishes to pursue the Alternative Dispute Resolution (ADR) services to resolve the issues of an EEO complaint, management must participate if the issues do not pertain to waste, fraud, abuse, patient abuse, criminal activity or an investigation actively being conducted in a forum other than the Federal EEO complaint process where the subject of the allegations is the individual who filed the EEO complaint.

VA offers ADR services such as mediation, group facilitation and conflict management coaching to assist parties in constructively resolving disputes. ADR involves a neutral third party working with the employee, supervisor or group to engage in constructive communication, identify issues and develop collaborative solutions. Employees and supervisors are encouraged to consult with their ADR Program Manager or refer to VA ADR Directive 5978 (Alternative Dispute Resolution) for guidance and assistance in resolving workplace disputes of any kind.

Federal EEO Complaint Process

Employees and applicants for employment seeking redress under the EEO complaint process must contact an EEO counselor in ORMDI in person, by phone or in writing within 45 calendar days of the date of the alleged discriminatory event. However, certain waivers and exceptions may apply. ORMDI is responsible for administering an impartial and effective complaints management process to receive, resolve and investigate complaints of employment discrimination at the earliest possible stage, in accordance with the regulations governing the Federal EEO complaint process (29 C.F.R. § 1614). Employees may initiate the complaint process by calling ORMDI at 888-566-3982, option 2, TDD 888-626-9008.

Employees may also raise allegations of discrimination to their supervisor or a management official in their chain of command. Additionally, employees may raise discrimination issues through VA's Negotiated Process or Administrative Grievance Process. While an allegation of discrimination may be raised through these additional avenues, this action does not constitute initiation of an EEO complaint with an EEO counselor through the Federal Sector EEO complaint process, and it does not extend the 45-calendar day time-limit to initiate an EEO complaint with ORMDI. Refer to [ORMDI EEO Complaint Processing](https://www.va.gov/ORMDI/EEOcomplaint.asp) (<https://www.va.gov/ORMDI/EEOcomplaint.asp>).

Complaints of discrimination filed on the basis of marital status or political affiliation may be investigated as prohibited personnel practices and are processed under the jurisdiction of the U.S. Merit Systems Protection Board (MSPB) or the U.S. Office of Special Counsel (OSC). While parental status is not covered under the Equal Employment Opportunity Commission (EEOC) regulations, it is also a form of prohibited discrimination involving Federal employees.

Complaints filed on the basis of parental status may be processed through ORMDI only if there is a connection to title VII. For example, Jennifer, an investigator, received glowing performance reviews during her first 4 years with the Department and assumed to be on a fast track for promotion. However, after she returned from leave to adopt a child during her 5th year with the Department, her supervisor frequently asked her how she would manage to stay on top of her caseload while caring for an infant. Although Jennifer continued to work the same hours and closed as many cases as she had before the adoption, her supervisor pointed out that none of her superiors were mothers, and he removed her from her high-profile cases, assigning her smaller, more routine cases normally handled by inexperienced investigators. The Department violated title VII by treating Jennifer less favorably because of gender-based stereotypes about working mothers. Jennifer contacts an EEO counselor alleging that she was discriminated against based on her parental status with regard to work assignments. A careful reading of the situation reveals that Jennifer's claim should be processed as a sex discrimination claim prohibited under title VII.

Prohibited Workplace Violence and Bullying

Workplace violence, the threat of violence or bullying of workers is strictly prohibited. This type of prohibited behavior can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults. Bullying conduct includes fighting, verbal and non-verbal hate messages, threats or expression of intention to inflict harm and 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. Any employee who is subject to bullying behavior or other workplace violence should immediately report the matter to his or her supervisor or another appropriate official. It is the duty of the supervisors to intervene and take prompt and effective corrective action to end the bullying conduct to prevent workplace violence. If the bullying involves your direct supervisor, report the matter to his or her supervisor.

Violence in the workplace is an occupational safety hazard citable under the Department of Labor's Occupational Safety and Health Administration standards and in VA Directive 7700 (Occupational Safety and Health). Under Secretaries, Assistant Secretaries and other Key Officials are required to implement a violence prevention program. VA's Office of Administration oversees the Occupational Safety and Health and Workers' Compensation programs.

No FEAR Act of 2002

Under the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) of 2002, Public Law 107-174, all Federal agencies are accountable for violations of anti-discrimination laws, whistleblower protection laws and retaliation laws. Additionally, the No FEAR Act is intended to reduce workplace discrimination within the Federal Government by making agencies and departments more accountable. It is imperative that all VA employees, supervisors and officials understand the protections afforded by the No FEAR Act of 2002, as amended, and the Whistleblower Protection Act of 1989. The No FEAR Act protects Federal employees from unlawful discrimination and retaliation for opposition to or participation in protected EEO or whistleblowing activity.

Prohibited Personnel Practices

The Civil Service Reform Act of 1978, as amended, protects Federal Government applicants and employees from Prohibited Personnel Practices (PPP), including discrimination, coercion, intimidation, preferential treatment and other prohibited practices in violation of merit systems principles. VA vigorously supports these protections. All employees are responsible for upholding Merit System Principles and preventing violations of PPP.

VA's Office of Accountability and Whistleblower Protection (OAWP) is authorized to investigate allegations of PPP committed by VA "senior leaders," as that term is defined in VA Directive 0500 (Office of Accountability and Whistleblower Protection: Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation). OSC is authorized to investigate allegations of PPP against any VA employee. Individuals may bring actions before the MSPB if OSC declines to act. With respect to personnel actions, the 14 PPP are the following: Discrimination, Considering Inappropriate Recommendations, Coercing Political Activity, Obstructing Competition, Influencing Withdrawal from Competition, Granting Unfair Advantage, Nepotism, Whistleblower Retaliation, Retaliation for Protected Activity, Other Discrimination, Violating Veterans Preference, Violating Rules that Implement a Merit System Principle, Imposing a Nondisclosure Agreement that Doesn't Allow Whistleblowing and Accessing Medical Records in Furtherance of Another PPP. Executives, managers and supervisors have a special responsibility as officials who make decisions affecting the hiring, working conditions, utilization and retention of Federal employees to ensure that the workplace is free from PPP.

Whistleblower Rights and Protections

VA employees and applicants for employment may disclose a violation of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety to various entities within and outside of VA, including OAWP and OSC. Retaliation against individuals for making

disclosures, opposing discrimination or participating in the discrimination-complaint process is unlawful and will not be tolerated. This includes retaliation against complainants, witnesses and others who provide information concerning such claims.

The Whistleblower Protection Enhancement Act of 2012 enhances whistleblowers' rights by: (1) making a whistleblower's oral disclosures legally sufficient; no longer must a disclosure be in writing; (2) making disclosures that fall within the whistleblower's job duties an eligible basis of a whistleblower claim; (3) strengthening anti-retaliation restrictions; (4) allowing damages that could be obtained by a whistleblower to include consequential damages such as emotional distress; and (5) accessing the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any PPP. VA employees and applicants for employment have several avenues to make a whistleblower disclosure or allege whistleblower retaliation, including contacting OAWP or OSC.

Every VA employee is responsible for safeguarding the privacy of Veterans and other individuals served by VA and for complying with laws that protect patient health information and other sensitive personal information. A whistleblower's disclosure of information is protected only if the release is not otherwise prohibited by law. Any wrongful disclosure of sensitive personal information, such as medical or personnel records, may be subject to civil and criminal penalties as well as disciplinary or other adverse action.

A whistleblower may:

- Disclose VA Sensitive Personal Information (individually identifiable information) to an authorized outside entity in the course of reporting alleged violations of law, rule, regulation or gross mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety. Accordingly, whistleblowers may always disclose any information to VA's Office of Inspector General (OIG), OAWP, or a Congressional Committee or Subcommittee having oversight authority over VA.
- Disclose any information, except information protected by 38 U.S.C. § 5705 (Quality Assurance) or 38 U.S.C. § 7332 (HIV, Sickle Cell, Drug and Alcohol Treatment) to OSC.
- Never disclose information containing VA Sensitive Personal Information to the media, a Veterans Service Organization or any other member of the public.
- Never disclose VA Sensitive Personal Information to an attorney, even one who is representing in the context of whistleblowing.

Offices that can receive whistleblower disclosures include the following:

- [VA Office of Accountability and Whistleblower Protection](https://www.va.gov/accountability), 855-429-6669 (<https://www.va.gov/accountability>);
- [VA Office of Inspector General](https://www.va.gov/oig), 800-488-8244 (<https://www.va.gov/oig>); and
- [U.S. Office of Special Counsel](https://www.osc.gov), 800-872-9855 (<https://www.osc.gov>).

Offices where you can file a complaint of whistleblower retaliation:

- [VA Office of Accountability and Whistleblower Protection](https://www.va.gov/accountability), 855-429-6669 (<https://www.va.gov/accountability>); and
- [U.S. Office of Special Counsel](https://www.osc.gov), 800-872-9855 (<https://www.osc.gov>).

Reasonable Accommodations

VA is committed to the employment and retention of individuals with disabilities. All Federal employees and members of the public with disabilities must have access to and use of information and data comparable to that of employees and members of the general public without disabilities unless an undue hardship would be imposed on the agency. To that end, VA will vigorously enforce sections 501, 504, 505 and 508 of the Rehabilitation Act of 1973, as amended, which mirror the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act of 2008.

Title I (Employment) of the ADA is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities in the Federal sector. An important component in hiring and retaining individuals with disabilities is the provision of reasonable accommodations to employees and applicants on the basis of disability in accordance with the law. For individuals with disabilities, a reasonable accommodation is any change in the work environment or in the manner work is accomplished that enables them to perform the essential functions of their jobs and enjoy equal benefits and privileges of employment. The procedures for requesting and processing requests for reasonable accommodation are contained in VA Handbook 5975.1 (Processing Requests for Reasonable Accommodation from Employees and Applicants with Disabilities).

Reasonable accommodations may also include the use of properly trained service animals. A doctor's note does not turn an animal into a service animal. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or task performed by a service animal must be directly related to the individual's disability.

Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals. Although the use of "comfort" or "emotional support" animals is not specifically mentioned in the ADA, the EEOC has recognized that an employer may be required to allow an employee to bring a comfort or emotional support animal to work as a reasonable accommodation. Otherwise, animals will not be permitted in VA facilities, unless expressly allowed as an exception under the regulation for activities such as animal-assisted therapy, or for other reasons such as law enforcement purposes.

Additionally, title III (Public Accommodations) of ADA makes it clear that service animals are allowed in public facilities and accommodations. A service animal must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers or clients are allowed. Even if the business or public program has a “no pets” policy, it may not deny entry to a person with a service animal.

Religious Accommodations

In accordance with title VII of the Civil Rights Act of 1964, VA also provides religious accommodations to employees unless doing so imposes an undue hardship to the organization. Accommodations may include adjustments to work schedules to accommodate religious observances, permission regarding religious attire, permissions to be excused from compulsory activities that conflict with employees’ sincerely held religious beliefs or practices and other modifications. Individuals who believe they need a religious accommodation should request the accommodation from their immediate supervisors.

Religious expression and exercise are permitted in VA’s workplace provided that such expression does not suggest government endorsement or preference for one faith over another, interfere with the efficient working of government operations, nor intrude upon the legitimate rights of other employees.

Limited English Proficiency

VA prohibits discrimination against any person who is limited in English proficiency. In accordance with title VI of the Civil Rights Act of 1964 and Executive Order 13166, VA will take the necessary steps to provide Limited English Proficiency persons meaningful access to such programs and activities. This commitment applies to all VA Federally conducted programs and activities and VA programs receiving Federal financial assistance.

Language Usage in the Workplace

VA recognizes and respects the right of employees who speak languages other than English in the workplace outside of the performance of their work duties. Employees may speak another language when the conversation is not related to the performance of their duties, for example, when they are in the break room or making personal telephone calls.

EEOC has stated that rules requiring employees to speak English only in the workplace violate the law unless they are reasonably necessary to the operation of the business. A rule requiring employees to speak English only in the workplace at all times, including breaks and lunchtime, should be limited to the circumstances in which it is needed for the employer to operate safely or efficiently.

Circumstances in which an English-only rule may be justified include the following: communications with customers or co-workers who speak English only; emergencies or other situations in which workers must speak a common language to promote safety; or cooperative work assignments in which the English-only rule is needed to promote efficiency. Even if there is a need for an English-only rule, supervisors may not take disciplinary action against employees for violating the rule unless VA has notified workers about the rule and the consequences of violating it.

Uniformed Services Employment and Reemployment Rights

An employee has the right to be reemployed in his or her civilian job if he or she leaves a civilian job to perform service in the Armed Forces, Reserves, National Guard, or other "uniformed services" as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. USERRA ensures that persons who serve or have served in the uniformed services: (1) are not disadvantaged in their civilian careers because of their services in the uniformed service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present or future military service.

Wounded Warriors Federal Leave

Under the Wounded Warriors Federal Leave Act of 2015, disabled Veteran leave will be available to eligible Federal employees hired on or after November 5, 2016, and undergoing medical treatment of a qualifying service-connected disability incurred or aggravated in the line of duty. The Act is only applicable to Veterans with a 30% or more disability rating and allows the disabled Veteran to take up to 104 hours of applicable leave for treatment during the Veteran's first year of employment.

Mandatory Training

To sustain a fair, safe and high-performing culture, VA employees must engage in continuous learning in the topics addressed in this Policy Statement. VA is committed to educating its workforce on EEO, prevention of harassment, whistleblower protection, diversity-related policies and workforce protections to maintain a discrimination-free workplace. VA requires that all employees regularly complete the mandatory No FEAR Act/Prevention of Workplace Harassment training in the Talent Management System (TMS) (TMS Item No. VA 8872) within 90 days of their initial hire and every 2 years thereafter. Additionally, all employees must complete mandatory training on Whistleblower Rights Protections (TMS Item No. VA 39953).

All executives, managers and supervisors are required to take the mandatory biennial training on EEO, Diversity and Inclusion and Conflict Management Training (TMS Item No. VA 1328672). In addition, all executives, managers and supervisors must complete the mandatory supervisor module on Whistleblower Rights and Protections (TMS Item No. VA 39949).

Diversity and Inclusion

The Department has three strategic diversity and inclusion goals aimed at (1) attracting future employees, especially Veterans who want to give back to those who have served in the U.S. military; (2) retaining employees by leveraging industry best practices that acknowledge talent; and (3) emphasizing the quality of VA's products, services and relationships. To cultivate and sustain a high-performing organization, VA must build and maintain a diverse and engaged workforce drawn from all segments of American society and must inspire and support an inclusive work environment that enables all VA employees to feel uniquely valued and experience a sense of belonging.

Our performance of VA's mission is amplified by our commitment to *diversity, equity and inclusion*—traits and characteristics that make people unique as well as behaviors and social norms that ensure people feel valued and welcome. Our Core Values—*Integrity, Commitment, Advocacy, Respect and Excellence*—define our culture and reinforce our devotion to those we serve. Along with our Core Characteristics—Trustworthy, Accessible, Quality, Agile, Innovative and Integrated—our Core Values provide a baseline for the standards of behavior expected of all VA employees.

To enable VA to sustain respect and collaboration amongst our multicultural workforce, I stand with you to: (1) conquer our biases by advancing cultural competence; (2) embrace the business case for diversity and inclusion; (3) foster employee engagement; and (4) inspire inclusion in our daily activities. Through these strategies, we can be a *more perfect* organization committed to equality, equity, humanity and justice for all our colleagues and those we serve.



Secretary of Veterans Affairs

3/15/21

Date

REFERENCES

FEDERAL EEO LAWS

[Title VII of the Civil Rights Act of 1964](https://www.eeoc.gov/laws/statutes/titlevii.cfm)

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

[No FEAR Act of 2002, as amended](https://www.opm.gov/information-management/no-fear-act)

<https://www.opm.gov/information-management/no-fear-act>

[Whistleblower Protection Enhancement Act of 2012 \[PDF\]](https://www.gpo.gov/fdsys/pkg/BILLS-112s743enr/pdf/BILLS-112s743enr.pdf)

<https://www.gpo.gov/fdsys/pkg/BILLS-112s743enr/pdf/BILLS-112s743enr.pdf>

[Age Discrimination in Employment Act of 1967](https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967)

<https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>

[Administrative Dispute Resolution Act of 1996 \[PDF\]](https://www.adr.gov/adrguide/ADRAof1996-US-Statutes-at-Large.pdf)

<https://www.adr.gov/adrguide/ADRAof1996-US-Statutes-at-Large.pdf>

[Americans with Disabilities Act Amendments Act of 2008](https://www.eeoc.gov/statutes/ada-amendments-act-2008)

<https://www.eeoc.gov/statutes/ada-amendments-act-2008>

[Civil Service Reform Act of 1978 – Prohibited Personnel Practices](https://www.mspb.gov/ppp/ppp.htm)

<https://www.mspb.gov/ppp/ppp.htm>

[Genetic Information Nondiscrimination Act of 2008](https://www.eeoc.gov/laws/statutes/gina.cfm)

<https://www.eeoc.gov/laws/statutes/gina.cfm>

[Equal Pay Act of 1963, as amended](https://www.eeoc.gov/laws/statutes/epa.cfm)

<https://www.eeoc.gov/laws/statutes/epa.cfm>

[Lilly Ledbetter Fair Pay Act of 2009](https://www.eeoc.gov/eeoc/publications/brochure-equal_pay_and_ledbetter_act.cfm)

https://www.eeoc.gov/eeoc/publications/brochure-equal_pay_and_ledbetter_act.cfm

[Pregnancy Discrimination Act of 1978](http://www.eeoc.gov/laws/statutes/pregnancy.cfm)

<http://www.eeoc.gov/laws/statutes/pregnancy.cfm>

[Rehabilitation Act of 1973, as amended](https://www.eeoc.gov/laws/statutes/rehab.cfm)

<https://www.eeoc.gov/laws/statutes/rehab.cfm>

[Uniform Services Employment and Reemployment Rights Act of 1994](https://www.congress.gov/bill/103rd-congress/house-bill/995)

<https://www.congress.gov/bill/103rd-congress/house-bill/995>

[Wounded Warriors Federal Leave Act of 2015](https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/disabled-veteran-leave)

<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/disabled-veteran-leave>

[Affirmative Action for Individuals with Disabilities in Federal Employment; Final EEOC Rule](https://www.gpo.gov/fdsys/pkg/FR-2017-01-03/html/2016-31397.htm)

<https://www.gpo.gov/fdsys/pkg/FR-2017-01-03/html/2016-31397.htm>

[Compensatory Time Off for Religious Observances and Other Miscellaneous Changes](https://www.federalregister.gov/documents/2019/04/29/2019-08533/compensatory-time-off-for-religious-observances-and-other-miscellaneous-changes)

<https://www.federalregister.gov/documents/2019/04/29/2019-08533/compensatory-time-off-for-religious-observances-and-other-miscellaneous-changes>

[The EEOC and Protections for LGBT Workers - Supreme Court Ruling - June 15, 2020](https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-protections-lgbt-workers)

<https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-protections-lgbt-workers>

EXECUTIVE ORDERS

[Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government)

<https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

[Executive Order 13583, Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce](https://www.federalregister.gov/documents/2011/08/23/2011-21704/establishing-a-coordinated-government-wide-initiative-to-promote-diversity-and-inclusion-in-the)

<https://www.federalregister.gov/documents/2011/08/23/2011-21704/establishing-a-coordinated-government-wide-initiative-to-promote-diversity-and-inclusion-in-the>

[Executive Order 11478, as amended by Executive Order 13152:](https://clintonwhitehouse4.archives.gov/WH/EOP/First_Lady/html/teens/order1.html)

[Extending protection based on parental status](https://clintonwhitehouse4.archives.gov/WH/EOP/First_Lady/html/teens/order1.html)

https://clintonwhitehouse4.archives.gov/WH/EOP/First_Lady/html/teens/order1.html

[Executive Order 13087, Expands equal employment policy in the Federal Government by prohibiting discrimination based on sexual orientation](https://www.eeoc.gov/laws/executiveorders/13087.cfm)

<https://www.eeoc.gov/laws/executiveorders/13087.cfm>

[Executive Order 13548, Increasing Federal Employment of Individuals with Disabilities \[PDF\]](https://www.govinfo.gov/content/pkg/FR-2010-07-30/pdf/2010-18988.pdf)

<https://www.govinfo.gov/content/pkg/FR-2010-07-30/pdf/2010-18988.pdf>

[Executive Order 13166, Improving Access to Services for Persons With Limited English Proficiency](https://www.federalregister.gov/documents/2000/08/16/00-20938/improving-access-to-services-for-persons-with-limited-english-proficiency)

<https://www.federalregister.gov/documents/2000/08/16/00-20938/improving-access-to-services-for-persons-with-limited-english-proficiency>

[Executive Order 13798, Promoting Free Speech and Religious Liberty](https://www.federalregister.gov/documents/2017/05/09/2017-09574/promoting-free-speech-and-religious-liberty)

<https://www.federalregister.gov/documents/2017/05/09/2017-09574/promoting-free-speech-and-religious-liberty>

[Executive Order 13826, Federal Interagency Council on Crime Prevention and Improving Reentry](https://www.federalregister.gov/documents/2018/03/12/2018-05113/federal-interagency-council-on-crime-prevention-and-improving-reentry)

<https://www.federalregister.gov/documents/2018/03/12/2018-05113/federal-interagency-council-on-crime-prevention-and-improving-reentry>

VA DIRECTIVES

[EEO Discrimination Complaints Process, VA Directive 5977, May 5, 2011 \[PDF\]](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=593&FTtype=2)

https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=593&FTtype=2

[Diversity and Inclusion, VA Directive 5975, March 29, 2013 \[PDF\]](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=668&FTtype=2)

https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=668&FTtype=2

[Diversity and Inclusion Strategic Plan, Fiscal Year 2021 \[PDF\]](https://www.va.gov/ORMDI/docs/StrategicPlan.pdf)

<https://www.va.gov/ORMDI/docs/StrategicPlan.pdf>

[Alternative Dispute Resolution, VA Directive 5978, February 7, 2013 \[PDF\]](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=643&FTtype=2)

https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=643&FTtype=2

[Religious Symbols in VA Facilities, VA Directive 0022 \[PDF\]](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=849&FTtype=2)

https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=849&FTtype=2

[VA Establishment of Harassment Prevention Office \[PDF\]](https://www.va.gov/ORMDI/images/Anti_Harassment_Secretary_Memorandum.pdf)

https://www.va.gov/ORMDI/images/Anti_Harassment_Secretary_Memorandum.pdf

[Harassment Prevention Policy, VA Directive 5979, December 8, 2020 \[PDF\]](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=1219&FTtype=2)

https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=1219&FTtype=2

[Guidance for Language Use by Employees in the Department of Veterans Affairs \[PDF\]](https://www.va.gov/ORMDI/docs/language_use.pdf)

https://www.va.gov/ORMDI/docs/language_use.pdf

GUIDANCE

[Federal Management Regulation; Nondiscrimination Clarification in the Federal Workplace](https://www.federalregister.gov/documents/2016/08/18/2016-19450/federal-management-regulation-nondiscrimination-clarification-in-the-federal-workplace)

<https://www.federalregister.gov/documents/2016/08/18/2016-19450/federal-management-regulation-nondiscrimination-clarification-in-the-federal-workplace>

[OSHA Guide to Restroom Access for Transgender Workers](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=28062)

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=28062

[GSA: Federal Management Regulation; Nondiscrimination Clarification in the Federal Workplace Regarding Sex Discrimination to Include Transgender Status](https://www.federalregister.gov/articles/2016/08/18/2016-19450/federal-management-regulation-nondiscrimination-clarification-in-the-federal-workplace)

<https://www.federalregister.gov/articles/2016/08/18/2016-19450/federal-management-regulation-nondiscrimination-clarification-in-the-federal-workplace>

[EEOC Fact Sheet: Bathroom Access Rights for Transgender Employees Under Title VII of the Civil Rights Act of 1964](#)

<https://content.govdelivery.com/accounts/USEEOC/bulletins/146d151>

[VA Rules Regarding Service Animals in VA Facilities](#)

<http://www.gpo.gov/fdsys/pkg/FR-2015-08-17/html/2015-20182.htm>