

KNOW YOUR RIGHTS

Workplace Rights

OFCCP Protects You from Discrimination at Work

1. What is employment discrimination?

Employment discrimination generally exists where an employer treats a qualified applicant or employee less favorably merely because of the person's race, color, religion, sex, national origin, disability, or status as a protected veteran. It may also exist where an employer's seemingly fair policies or procedures have a discriminatory impact on members of particular groups. Employment discrimination can be against a single person or a group.

2. What are my rights?

You have the right to work in an environment free of discrimination. You cannot be denied employment, harassed, demoted, terminated, paid less, or treated less favorably because of your race, color, religion, sex, national origin, disability, or status as a protected veteran.

3. Does OFCCP enforce anti-discrimination laws?

Yes. OFCCP enforces Executive Order 11246, Section 503 of the Rehabilitation Act, and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act. These laws make it illegal for companies doing business with the Federal government to discriminate against applicants and employees based on race, color, religion, sex, national origin, disability or status as a protected veteran in any aspect of employment. This includes hiring, firing, pay, benefits, job assignments, promotions, layoffs, training, and other employment related activities.

To protect your rights, you should contact OFCCP promptly if you suspect you are a victim of discrimination. You may contact OFCCP via any of the contact information provided below.

4. Does OFCCP protect all employees?

No. OFCCP enforces laws that protect the rights of applicants and employees of companies doing business with the Federal government. These companies must not discriminate based on race, color, sex, religion, national origin, disability, or a person's status as a protected veteran. Approximately 25% of the American workforce is employed by companies that do business with the Federal government. This includes employees at banks, meat packing plants, retail stores, manufacturing plants, accounting firms, and construction companies, among others, working on federal and/or federally-funded projects.

Definition of Discrimination

5. How do I know if I am being discriminated against?

Discrimination may take many forms and it does not have to be intentional to be illegal. Generally, there are two types of discrimination that the law prohibits:

Disparate treatment occurs when an employer treats an applicant or employee less favorably than similarly situated applicants or employees, and the different treatment is because of the person's race, color, religion, sex, national origin, disability, or status as a protected veteran.

Disparate impact occurs when an employer has policies or practices that appear fair and are evenly applied but have a discriminatory impact on members of a particular sex, race or ethnic group, or individuals with disabilities.

6. What does "similarly situated" employee mean?

The term "similarly situated" has a specific legal meaning but generally it refers to an employee who can be compared to another employee because he or she holds a similar job classification, comparable duties, skills and training, and is subject to the same standards.



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7. What are some examples of illegal employment discrimination?

Some examples of employment discrimination may include:

- Assigning all Hispanic employees to a particular work area;
- Paying women less than men for the same work;
- Teasing employees who speak with an accent that goes beyond occasional or a single incident;
- Promoting only certain employees based on their sex or race;
- Requiring tests, like math tests or lifting requirements, that are not related to doing the job but that screen out applicants of particular groups; and
- Denying paid sick leave to female employees recovering from childbirth but allowing paid sick leave for employees recovering from knee surgery.

8. Are employment tests legal?

Yes. Employment tests can be used to make employment decisions if the tests are administered fairly and do not discriminate. Employment tests are unlawful if they disproportionately exclude members of particular groups, and the employer cannot show that the tests are job related and consistent with business necessity.

For example, tests that exclude members of a particular sex, race or ethnic group, national origin, religion, or individuals with disabilities or veterans protected by the laws OFCCP enforces would have to be based on a legitimate job-related or business need

Filing a Complaint

9. How do I file an employment discrimination complaint?

You may file an employment discrimination complaint by:

- Completing and submitting a form online through OFCCP's Website, you will be asked to sign the form when you are interviewed by an OFCCP investigator; or
- Completing a form in person at the OFCCP office nearest to where you live; or
- Mailing a completed form to the OFCCP regional office nearest to where you live.



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The form is available online at <http://www.dol.gov/ofccp> or in hardcopy at all OFCCP offices. To find the office nearest to where you live, visit the online listing at: www.dol.gov/ofccp/contacts/ofnation2.htm.

10. Can I be fired for filing a complaint?

No. Employers cannot retaliate against you for filing a complaint or participating in an investigation. You are protected from harassment, intimidation, threats, coercion, or discrimination for asserting your rights.

11. Can I file a complaint with OFCCP and Equal Employment Opportunity Commission (EEOC)?

Yes. If you file with both OFCCP and EEOC, your complaint will be investigated by only one of these agencies.

Both OFCCP and EEOC may have the authority to investigate employment discrimination complaints against companies that do business with the Federal government. To eliminate duplication of effort, OFCCP agrees to send individual complaints alleging employment discrimination based on race, color, religion, sex, or national origin to EEOC to handle.

OFCCP keeps complaints filed on behalf of a group or where there appears to be a pattern of discrimination. OFCCP also keeps complaints alleging discrimination based on a person's status as a veteran protected by the laws OFCCP enforces and complaints alleging discrimination based on disability when the complaint is filed against an employer that does business with the Federal government.

12. What will happen if there is a finding that I was a victim of employment discrimination?

You may be entitled to a remedy that will place you in the position you would have been in if the discrimination had never happened. You may be entitled to hiring, promotion, reinstatement, back pay, a pay raise, or reasonable accommodation, including reassignment.

13. What do I do if I think my employer, who does business with the Federal government, is discriminating against me?

If you think you have been discriminated against in employment, or in applying for employment, please contact us at:

THE U.S. DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Washington, D.C. 20210

1-800-397-6251

OFCCP-Public@dol.gov

www.dol.gov/ofccp

Please note that this fact sheet provides general information, it is not intended to substitute for the actual laws and regulations regarding the program described herein.