

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 an applicant or employee less favorably merely because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran. It may also occur if an employer disciplines, terminates, or takes unfavorable actions against an employee or job applicant for discussing, disclosing or asking about pay. 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, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. You also have the right to discuss, disclose or inquire about your pay, the pay of your co-workers, and the pay or offered to job applicants.

3. Does OFCCP enforce employment discrimination laws?

Yes. OFCCP enforces Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act. Collectively, these laws make it illegal for companies doing business with the Federal Government to discriminate against employees and applicants based on the protected bases listed above. Discrimination based on an employee or job applicant asking about, discussing, or disclosing their pay is also prohibited.

4. Who does OFCCP protect?

OFCCP protects the rights of employees and job applicants of companies doing business with the Federal Government. This includes employees at banks, information technology firms, meat packing plants, retail stores, manufacturing plants, accounting firms, and construction companies, among others.

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 others who are similarly situated, and the different treatment is because of the person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

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

6. 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;
- Denying paid sick leave to female employees recovering from childbirth but allowing paid sick leave for employees recovering from knee surgery; and
- Firing an employee for discussing her pay with a co-worker.



7. What can I do if I believe my employer discriminated against me?

You can file a complaint with OFCCP if you think you have been discriminated against in employment, or in applying for employment, because of your race, color, religion, sex, sexual orientation, gender identity, national origin, disability, status as a protected veteran, or for asking about, discussing, or disclosing your compensation or that of others. You do not need to know with certainty that your employer is a federal contractor or subcontractor in order to file a complaint.

8. How do I file a complaint with OFCCP?

You may file a discrimination complaint by:

- Completing and submitting a form online through OFCCP's Web site;
- Completing a form in person at an OFCCP office; or
- Mailing, e-mailing or faxing a completed form to the OFCCP regional office that covers the location where the alleged discrimination occurred.

The form is available online at <http://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm> and in paper format at all OFCCP offices. To find the office nearest you, visit the online listing of OFCCP offices at <http://www.dol.gov/ofccp/contacts/ofnation2.htm>.

You must remember to sign your completed complaint form. If you fail to do so, OFCCP will still take your complaint but an OFCCP investigator will ask you to sign the form during a follow-up interview. Complaints alleging discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin must be filed within 180 days from the date of the alleged discrimination, unless the time for filing is extended for good cause shown. The same 180-day time frame applies to complaints alleging discrimination for discussing, disclosing, or inquiring about pay. Complaints alleging discrimination based on protected veteran status or disability must be filed within 300 days from the date of the alleged discrimination, unless the time for filing is extended for good cause.

9. Can my employer fire, demote, or treat me less favorably because I filed a complaint?

No. It is illegal for your employer to retaliate against you for filing a complaint or participating in an investigation. OFCCP's regulations protect you from harassment, intimidation, threats, coercion, or retaliation for asserting your rights.

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

Yes, if you file with both OFCCP and EEOC, your complaint will be investigated by the appropriate agency. In some instances, OFCCP and EEOC may decide to work together to investigate your complaint.

OFCCP generally keeps complaints filed against federal contractors where there appears to be a pattern of discrimination that affects a group of employees or applicants. OFCCP generally keeps complaints filed against federal contractors that allege discrimination based on a person's sexual orientation or gender identity, disability, or protected veteran status. Generally, OFCCP keeps complaints filed against federal contractors that allege discrimination based on someone asking about, discussing, or disclosing pay.

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

You may be entitled to a remedy that places you in the position you would have been in if the discrimination had never happened. You may be entitled to be hired, promoted, reinstated, or reassigned. You may also be entitled to receive back pay, front pay, a pay raise or some combination of these remedies. In addition, OFCCP could seek to have the company debarred or removed from consideration for future federal contracts or have the company's current contracts or contract modifications cancelled, if OFCCP finds that the federal contractor or subcontractor violated any of its laws.

For more information:

THE U.S. DEPARTMENT OF LABOR
Office of Federal Contract Compliance Programs
200 Constitution Avenue, NW
Washington, D.C. 20210
1-800-397-6251
TTY: 1-877-889-5627
www.dol.gov/ofccp

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

