

Sex Discrimination

OFCCP Protects You from Discrimination Based on Sex

The Office of Federal Contract Compliance Programs (OFCCP) enforces Executive Order 11246, as amended, which prohibits federal contractors and subcontractors from discriminating against employees and job applicants based on their sex.

1. What is discrimination based on sex?

Employment discrimination generally exists where an employer treats you, as an employee or applicant less favorably because of your sex. Discrimination may also exist where an employer's seemingly fair policies or procedures have a significant negative impact on employees or job applicants because of their sex.

2. Can my employer pay me differently or provide me different fringe benefits based on my sex?

No. Contractors may not pay you differently nor can they provide you different fringe benefits based on your sex. For instance, they cannot deny opportunities for overtime work, training, or higher-paying salaries or positions because of your sex. Fringe benefits include medical, hospital, accident, life insurance, and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.

3. May contractors treat employees differently based on sex stereotypes?

No. Contractors may not use stereotypes to treat you unfairly because you fail to comply with expectations about how women or men should look or act or what kinds of jobs men or women should do.

4. Are caregivers protected from discrimination based on sex?

Yes. Contractors may not treat you differently based on stereotypical assumptions about caregiving responsibilities. For example, contractors may not deny mothers an employment opportunity that is available to fathers or deny fathers a flexible work arrangement that is available to mothers.

5. Does my employer have to provide me equal access to jobs and development opportunities?

Yes. Contractors must provide you equal access to jobs and development opportunities. A contractor may not set requirements that are based on sex unless the contractor can show that the requirements can be done only by men or only by women. Additionally, a contractor may not set requirements that adversely affect applicants because of their sex unless those requirements are job-related and necessary. Contractors may not deny you training, work assignments, or other development opportunities that may lead to advancement to higher-paying positions on the basis of sex.

6. Does OFCCP protect me from sexual harassment by contractors?

Yes. Sexual harassment is a form of sex discrimination. OFCCP protects you from unwelcome sexual advances, requests for sexual favors, offensive remarks about a person's sex, and other unwanted verbal or physical conduct based on sex. These behaviors are prohibited when they are made as a term or condition of your employment; when submitting to such behaviors, or saying no to them is used as the basis for employment decisions; or when such conduct unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive working environment.

7. How does OFCCP protect pregnant women and new mothers?

Applicants to and employees of federal contractors are protected from discrimination, including loss of jobs, wages, and health-care coverage, because of pregnancy, childbirth, or related medical conditions. Moreover, contractors must provide workplace accommodations because of pregnancy, childbirth, or related medical conditions in certain circumstances when those contractors provide comparable accommodations to other workers, such as people with disabilities or work-related injuries.



8. How are transgender workers protected by OFCCP?

Contractors are prohibited from discriminating on the basis of gender identity. Contractors must allow employees and applicants to use bathrooms, changing rooms, showers, and similar facilities consistent with the gender with which they identify. Additionally, contractor-provided health-care benefit plans may not deny or limit health-care coverage based on gender identity or transgender status.

9. 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.

10. What do I do if I believe my employer discriminated against me because of my sex?

If you think you have been discriminated against in employment, or in applying for employment, you can file a complaint with OFCCP. You do not need to know with certainty that your employer is a federal contractor or subcontractor in order to file a complaint.

11. 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. The same 180-day time frame applies to complaints alleging discrimination for discussing, disclosing, or inquiring about pay.

12. 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.

13. Can I file a discrimination 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 only one of these agencies.

OFCCP generally retains and investigates complaints filed against federal contractors based on an applicant or employee's sexual orientation or gender identity. OFCCP also generally keeps complaints where there appears to be a pattern of discrimination that affects a group of employees or applicants, and those that allege discrimination based on disability; protected veteran status; or discussing, disclosing, or inquiring about pay.

14. 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, if OFCCP finds that the federal contractor or subcontractor discriminated, OFCCP could seek to have the company debarred or removed from consideration for future federal contracts or have the company's current contracts cancelled.

For more information:

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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.

