



Know Your Rights Resources: **Executive Order 11246**

[EO 11246](#) prohibits federal contractors and federally-assisted construction contractors and sub-contractors with contracts of \$50,000 or over, from discriminating on the basis of race, color, sex, sexual orientation, gender identity or national origin. The [implementing regulations](#) are included in the Code of Federal Regulations with a special section on requirements for construction contractors. EO 11246 is enforced by the US Department of Labor's [Office of Federal Contract Compliance Programs](#) (OFCCP).

What does EO 11246 do?

EO 11246 was signed by President Johnson in 1965. It establishes requirements for non-discriminatory practices in hiring and employment for all U.S. government contractors. The regulations apply to all federal contractors and subcontractors with an annual \$10,000 or more of federal business.

In 1980, as a result of [lawsuits](#) filed by women in construction and advocates, the construction contractor regulations were revised and goals for women and minority workforce hours were added. These regulations are required for the contractor's total construction workforce regardless of whether or not part of that workforce is performing work on a federally funded worksite or on another privately funded site.

Federal contractors' goal for hours worked by women on their construction sites is 6.9% for each construction trade. The goal is not a quota. The construction contractors are required to take 16 Affirmative Action steps to increase the utilization of minorities and women in skilled trades. The OFCCP will examine their efforts in these 16 steps to determine whether or not the contractor is in compliance. These steps include:

1) maintaining a work environment free of unlawful harassment; 2) taking specific recruitment efforts; 3) maintaining recruitment sources and referrals; 4) providing on-the-job training opportunities for minorities and women; 5) reviewing, adopting, and disseminating EEO policies, and; 6) annually evaluating minorities and women for promotions.

EO 11246 also includes sex discrimination guidelines and the OFCCP recently issued a [memo](#) that these guidelines include discrimination on the bases of gender identity and transgender status.

How is EO 11246 enforced?

OFCCP has a national network of six Regional Offices, each with [District and Area Offices](#). Through these offices, the OFCCP investigates complaints, conducts compliance evaluations and monitors contractors and subcontractors' progress in fulfilling the terms of their agreements





after they have been found in violation of the equal opportunity requirements. They can recommend that the company be barred from federal contracts and can also be able to secure back pay for lost wages.

OFCCP is currently focusing its limited resources on finding and resolving systemic discrimination by focusing on the largest employers and worst offenders. Included in that focus is designating some of the over \$50 Million federally funded or assisted construction projects as Mega Projects. For those specially designated projects, the OFCCP coordinates an oversight committee to monitor and provide technical assistance to the contractors to support the minority and women goals and conduct timely compliance evaluations. They also invite the community to these meetings. Interested tradeswomen and advocates may want to contact their Regional OFCCP offices to find out about the mega projects and ask to join these meetings.

What you need to know when filing a charge:

Complaints must be filed within **180 days** from the date of the alleged discrimination, although filing time can be extended for a good reason. You do not need a lawyer to make a complaint. Individuals may file complaints if they believe they have been discriminated against by federal contractors or subcontractors. If you are working for a contractor or subcontractor on a private site, if that contractor has a federal contract in the area, they are still obligated to follow the OFCCP requirements. Organizations can also make complaints on behalf of the person or persons affected.

Because of the OFCCP's focus on systemic discrimination, if you do want to file a complaint with them, make sure you can convey the extent of the problem. Some things you may want to consider include: Have other women tried to get work on the site and failed? Are there women on your local's out of work list who aren't being sent out on those jobs? How many workers are on the site? Has the contractor or sub-contractor just hired women for short term jobs, have they been moving the same woman around from contractor to contractor or project to project to make it look like they are trying to meet the goal instead of hiring more women?

If a complaint filed under Executive Order 11246 involves discrimination against only one person, OFCCP will normally refer it to the EEOC. Cases involving groups of people or indicating patterns of discrimination are generally investigated and resolved by OFCCP. Complaints may be filed directly with any of OFCCP's regional or district offices throughout the country, or with OFCCP in Washington, D.C.

You can find the complaint form and instructions in several languages [here](#).

