



## *Know Your Rights:*

### **Title VII of the Civil Rights Act of 1964**

[Title VII](#) is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. The Equal Employment Opportunity Commission (EEOC) enforces Title VII and other federal employment laws. The EEOC also works with State and Local Fair Employment Practices Agencies (FEPA) and Tribal Employment Rights Offices (TERO) who can also enforce Title VII as well as state and tribal employment discrimination regulations.

#### **What does Title VII do?**

Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act of 1978 (“Title VII”), prohibits employment discrimination based on race, color, sex (including sexual harassment), national origin, religion, and pregnancy. Title VII applies to employers, labor organizations, and training programs. Title VII covers discrimination in hiring, firing, exclusionary practices, promotions, harassment, wages and benefits. The law also prohibits retaliation against employees who complain, file a charge or participate in an investigation or lawsuit.

Title VII contains no express protections for LGBT workers. However, the statute’s prohibition on sex discrimination has been interpreted by the U.S. Supreme Court to include treating employees differently for failing to conform to traditional gender stereotypes. Individual plaintiffs also have been successful in expanding the scope of Title VII to afford protections to transgender employees. The EEOC has also held that discrimination against an employee because that person is transgender or because of that person’s sexual orientation constitutes discrimination based on sex or sex stereotyping.

Title VII only applies to employers with 15 or more employees. Some of the FEPA employment laws apply to smaller employers as well. For instance California, Oregon and Washington state and city laws cover employers with 1 to 8 employees.

The Pregnancy Discrimination Act only requires an employer to “accommodate” pregnancy limitations if 1) the employer has a policy to accommodate others on the job who have similar limitations or 2) the employer doesn’t have a policy, but has in fact accommodated others who are injured or have health issues. [Some states or cities](#) have additional protections requiring the employer to accommodate pregnancy limitations.





## How is Title VII enforced?

The law is enforced through the U.S. Equal Employment Opportunity Commission (EEOC). There is a Washington DC office and over 50 district offices. EEOC Commissioners work in DC and develop policy, and work with and monitor all federal agencies. The district offices handle complaints and investigations. The EEOC also works to prevent discrimination through outreach, education and technical assistance.

The 13 states in the Western Resource Center are serviced by 4 different field offices in [San Francisco](#), [Los Angeles](#), [Phoenix](#), and [Dallas](#) (for part of New Mexico). Each of the field office links describe the locations they serve, the state and local Fair Employment Practices Agencies (FEPA) and the Tribal Employment Rights Offices (TERO) they work with.

The EEOC district offices will investigate your discrimination charges. If they determine that discrimination has occurred, they can enter into settlement negotiations for you. If they can't reach a settlement, they can file a lawsuit although they may choose not to. You can ask for a right to sue letter at any time in the process and move to a court case.

## How to file a charge:

You do not need an attorney to file a complaint with the EEOC. You do need to file the complaint within **180 days** (approximately 6 months) from the date of discrimination. Once you have located the [district office](#) that serves your area, you can call or go to the office to file your complaint.

You can file charges with a FEPA or TERO instead as these agencies not only enforce Title VII but in some case also enforce laws that have greater protections than Title VII such as more extensive pregnancy discrimination, marital status and/or sexual orientation and transgender status protections. They may also have different filing deadlines.

Some FEPAs and TEROS will dual file with the EEOC (meaning that the EEOC will receive a copy of the charge), but will usually follow through with the complaint themselves. To find out if there is a FEPA or TERO in your area, visit your field office site <http://www.eeoc.gov/field/>. [The applicable FEPA and/or TERO will be listed under the State and Local Agencies link.](#)

Filing directly with a FEPA or TERO instead of the EEOC may streamline the process as the EEOC has a backlog of cases. Sometimes, if you file with the EEOC, they will refer your case directly to the FEPA or TERO. You can call the offices for further information or consult a lawyer on the best way to proceed for your area.



## What you need to know when filing a charge:

If your subcontractor has less than 15 employees, but is employed by a larger contractor, General Contractor (GC) or Construction Manager (CM) who is generally responsible for the subcontractors on the job, you may still be able to file a charge with the EEOC especially if the GC or CM knew about the discrimination and did not act.

The EEOC has a backlog of cases, it may take a while to have an investigator assigned and/or to have your case investigated. An advocate or lawyer may be able to help you move the case to and through investigation more quickly than you can on your own.

Once the EEOC or the FEPA has investigated your complaint, if they decide not to go forward with settlement negotiations or a lawsuit, they may issue you a “right to sue” letter and you can take the complaint to court on your own or with a lawyer. You can also request a right to sue letter at any time in the process after you have filed a charge. A “right to sue” letter gives you the right to take your charge to Federal Court.

If you have been working directly with a FEPA instead of the OFCCP and you do not agree with their decision, you can request that the EEOC review the FEPA decision. However, you have to file a request for the review within **15 days** of your receipt of the FEPA determination. Requests for review should include the reason for the request which could include evidence not considered, new evidence or witnesses not contacted.