



Indian and Native American Employment Rights Program

What is OFCCP?

The Office of Federal Contract Compliance Programs (OFCCP) is a civil rights agency within the U.S. Department of Labor (DOL). OFCCP enforces an Executive Order and two statutes:

- [Executive Order 11246](#);
- [Section 503 of the Rehabilitation Act of 1973](#); and
- [Vietnam Era Veterans' Readjustment Assistance Act \(VEVRAA\) of 1974](#).

As amended, these three laws make it illegal for companies doing business with the federal government to discriminate in employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran, or because an applicant or employee has inquired about, discussed, or disclosed pay. Companies are also required to take affirmative action to ensure that applicants and employees have equal opportunity to seek, obtain, and thrive in their jobs.

Who is protected by OFCCP?

OFCCP protects job applicants and employees of federal contractors, subcontractors and [federally assisted construction contractors and subcontractors](#).

What are my rights as a job applicant or employee?

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 cannot be fired, or have other adverse employment actions taken against you, because you asked about, discussed, or disclosed your pay or that of a coworker. However, there are two specific exceptions to this protection.

Does OFCCP have a program to ensure Indian and Native American employment rights are protected?

Yes. In March 2013, OFCCP created the Indian and Native American Employment Rights Program (INAERP) to focus on the employment issues of Indian and Native American applicants seeking employment with federal contractors and subcontractors, and employees of these companies. INAERP shares information about OFCCP's civil rights enforcement program by providing compliance assistance to companies and engaging in outreach to Indian and Native American tribal leadership and members, tribal organizations, federal agencies, community groups, and others.

Does OFCCP recognize tribal sovereignty?

Yes. All DOL agencies work with Indian tribes in a manner that respects tribal self-government and sovereignty, honors tribal treaty and other rights, and meets the federal government's tribal trust responsibilities. In December 2012, DOL published its [Tribal Consultation Policy](#) which establishes standards for improved consultation with federally recognized tribes to the extent that no conflict exists with applicable federal laws or regulations.

Does OFCCP have a working relationship with tribal employment rights organizations?

Yes. OFCCP has a history of working with tribal employment rights organizations (TERO) and the Council for [Tribal Employment Rights](#) (CTER). In December 2014, OFCCP and CTER signed a [Memorandum of Understanding](#) (MOU) which fosters cooperation and a mutually beneficial working relationship. OFCCP and CTER also promote awareness of the employment rights for Indians and Native Americans who work for or seek job opportunities with federal contractors and subcontractors.

In what ways does OFCCP assist Indian and Native American job seekers?

OFCCP assists with establishing relationships between federal Native American community recruitment sources where federal contract work is being performed. For example, OFCCP routinely works with the construction industry to connect Indian and Native American job seekers with employment opportunities on long-term multi-million dollar federally funded construction projects.

Does OFCCP have a policy on hiring preferences for Indians?

Yes. OFCCP encourages federal contractors and subcontractors to voluntarily extend a publicly announced hiring preference to Indians living on or near Indian reservations or other recognized tribal lands in connection with employment opportunities on or near those lands. For this purpose, “near” includes any area within a reasonable distance for commuting to and from in the course of a work day. However, using such a preference does not allow companies to discriminate among Indians on the basis of religion, sex, or tribal affiliation. It also does not excuse them from complying with OFCCP’s other requirements.

What are contractors’ responsibilities?

Employers awarded a covered federal contract or subcontract must comply with OFCCP’s regulations including, but not limited to:

- Collecting and maintaining personnel and employment records, and other information and data.
- Giving OFCCP access to their workplaces, personnel and employment records, and other information and data, during a complaint investigation or compliance evaluation.
- [Posting the equal employment opportunity \(EEO\) poster and poster supplements, and the pay transparency notice](#) to educate workers about their rights.
- Stating in all solicitations or advertisements for employment that all qualified applicants will be considered for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran.
- Providing reasonable accommodations to qualified individuals with disabilities.



What do I do if I believe I am being discriminated against?

If you believe that you have been discriminated against by a federal contractor or subcontractor, you may [file a complaint with OFCCP](#). Complaints may be filed in person, by mail, fax or electronically. To make the complaint process as efficient and timely as possible, include a description of the alleged discrimination and any other related information that would assist in an investigation of the complaint. If the complaint of discrimination is based on race, color, religion, sex, sexual orientation, gender identity, national origin or because you discussed, disclosed, or asked about your pay or the pay of a coworker it must be filed within 180 days from the date of the alleged discrimination. If the complaint alleges a violation based on disability or status as a protected veteran, it must be filed within 300 days from the date of the alleged discrimination.

For more information: Contact INAERP at 1-844-206-1836 or send an email to OFCCP-INAERP@dol.gov. Visit OFCCP’s website at www.dol.gov/ofccp.

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



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