

UNITED STATES OF AMERICA (2000-2019)

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

REPORTING	Fulfillment of Government's reporting obligations	YES , but no change to reports for the 2001, 2002, 2004, 2005 and 2006 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the United States Council for International Business (USCIB), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the Change to Win Federation, by means of consultation and communication of the government's reports. In addition, in keeping with longstanding practice, as well as US obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No separate observations have been made by the employers' organizations.	
	Workers' organizations	2005 AR: Observations by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Observations by the International Confederation of Free Trade Unions (ICFTU). 2004 AR: Observations by the AFL-CIO.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The United States has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Yes, for, since 2010, for C.111. However, there are no immediate plans to address the ratification of C.100. 2019 AR: Only when TAPILS has completed its review of a given convention is it possible or appropriate to make precise judgements about the conformance of U.S. law and practice with that instrument. 2016-2018 ARs: According to the Government, the President's Committee on the ILO (PC/ILO) continues to support the work of the Tripartite Advisory Panel on International Labor Standards (TAPILS) in reviewing the legal feasibility of U.S. ratification of selected ILO Conventions, including Convention No. 111. The PC/ILO has pledged to pursue the successful completion of the U.S. ratification process for ILO Convention No. 111, which was submitted to the U.S. Senate for advice and consent to ratification in 1998. 2015 AR: According the the Government: C.111 remains with the U.S. Senate and on the State Department's Treaty Priority List for ratification. In a set of conclusions following the President's Committee (PC) that met on May 2014, the PC/ILO pledged to redouble its efforts toward the early and successful completion of the ratification process for C.111 and called on the Tripartite Advisory Panel on International Labor Standards (TAPILS) to intensify its work of reviewing the legal feasibility of U.S. ratification of selected ILO Conventions, including C.100. 2013-2014 ARs: According to the Government: Convention No. 111 remains on the State Department's Treaty Priority List. There are no current efforts to pursue ratification of Convention No. 100 or to further analyze impediments to ratification. 2012 AR: According to the Government: As noted in last year's report, the President Committee on the ILO met in May 2010 and pledge to work toward the successful completion of the ratification process for C.111. At the present time, through the Committee's Tripartite Advisory on International Labor standards, work is proceeding on updating the previous statement of law and practice with regard to C.111 to ensure that it remains up to date. Moreover, there is no corresponding plan concerning the potential ratification of C.100. 2011 AR: According to the Government: On May 4, 2010, Secretary

		<p>of Labor Hilda Solis convened and chaired the first meeting of the President’s Committee on the ILO (PC/ILO) in ten years. The main purpose of the May 4 meeting was to formally reactivate the PC/ILO. The focus of the discussion was overwhelmingly on ratification of ILO Conventions and approval of a plan of work for the Tripartite Advisory Panel on International Labor Standards (TAPILS), which had ultimately been unable to function while the PC/ILO was inactive. The outcome of the meeting was a set of conclusions, drafted on the basis of tripartite consensus and endorsed unanimously by the PC/ILO, which will serve to guide US policy on ILO issues. One of the Committee conclusions was a pledge to work toward the successful completion of the ratification process for C.111. A little more than two weeks after the PC/ILO meeting, on May 20, 2010, TAPILS was convened for the first time since 2005. Taking as its point of departure the conclusions of the PC/ILO, TAPILS held a preliminary discussion aimed at initiating work on the tasks with which it was charged. First among these tasks is to review the original statement of US law and practice, with regard to C.111 to ensure that it is up to date. As a consequence of this meeting, work is proceeding to update the law and practice report for US Senate consideration in the ratification process. There are no immediate plans to address the ratification of C.100.</p> <p>2007-2010 ARs: According the Government: No change.</p> <p>2006 AR: C.111 was submitted to the Senate in 1998 for its advice and consent for ratification. Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government is not actively considering ratification of C.100.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES, The US Constitution recognizes the principle and right of non-discrimination in the Equal Protection Clause of the Fourteenth Amendment and the Due Process Clause of the Fifth Amendment. Additionally, the Equal Protection Clause precludes any state from denying its citizens “the equal protection of the laws”.</p>
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2018 AR: According to the Government, the Department of Labor’s (DOL) Office of Disability Employment Policy (ODEP) worked closely with DOL’s Employment and Training Administration (ETA) and the Wage and Hour Division (WHD) as it managed and participated in the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities established by Section 609 of the Rehabilitation Act of 1973, as amended by Section 461 of the Workforce Innovation and Opportunity Act (WIOA) of 2014. The Committee issued its final report to Congress on September 15, 2016, recommending how to increase jobs options for individuals with disabilities and how to best monitor use of the Fair Labor Standards Act section that authorizes employers who have received certificates from DOL to pay special minimum wages to workers who have disabilities (Section 14(c)). On January 3, 2017, the Equal Employment Opportunity Commission (EEOC or Commission) issued a Final Rule to amend the regulations implementing the section of the Rehabilitation Act of 1973 that prohibits employment discrimination against individuals with disabilities in the federal sector (Section 501). The Rule explains what federal agencies must do to satisfy their Section 501 obligation to take affirmative action in employment for individuals with disabilities. On August 29, 2017, the White House Office of Management and Budget announced that it was staying the employee pay data portion of the EEOC’s private sector workplace survey (EEO-1) that had been finalized on September 29, 2016. These revisions included new requests for summary data on pay and hours worked from private employers (including federal contractors) with 100 or more employees. The previously approved EEO-1 form that requires reporting of the number of employees by sex, race or ethnicity, and occupational category, remains in effect for all private employers with 100 or more employees and all</p>

		<p>federal contractors with 50 or more employees. The pay data portion would have been due for the first time in March 2018. The EEOC is also currently considering what further action to take in light of the U.S. District Court for the District of Columbia’s order on August 22, 2017 to reconsider its 2016 regulations that describe how Title I of the Americans with Disabilities Act (ADA) and Title II of the Genetic Information Nondiscrimination Act (GINA) apply to wellness programs offered by employers that request health information from employees and their spouses. On December 20, 2017, the court vacated the provisions of both rules that addressed permissible incentive limits under workplace wellness programs effective January 1, 2019, consistent with its August opinion. On December 19, 2016, the Department of Justice (DOJ) published a final rule revising regulations for the anti-discrimination provision of the Immigration and Nationality Act (INA). The revised regulations became effective on January 18, 2017. This law prohibits employers from committing certain types of employment discrimination based on a worker’s citizenship status or national origin. The revisions conform the regulations to the text of the antidiscrimination provision of the INA; simplify and add definitions of statutory terms; update and clarify the procedures for filing and processing charges of discrimination; ensure effective investigations of unfair immigration-related employment practices; reflect developments in nondiscrimination case law; reflect changes in existing practices such as electronic filing of charges; and reflect OSC’s new name: the Immigrant and Employee Rights Section (IER).⁷ In February 2017, DOJ IER launched a Protecting U.S. Workers Initiative to identify, investigate, and, where warranted, bring enforcement actions to ensure that employers do not pass over qualified U.S. workers (including U.S. citizens, U.S. nationals, recent lawful permanent residents, asylees and refugees) in favor of temporary foreign visaholders.</p> <p>2016 AR: On June 15, 2016, the Office of Federal Contract Compliance Programs (OFCCP) published a Final Rule updating and clarifying the requirements that federal contractors must meet to fulfill their obligations to ensure that their workplaces are free from sex discrimination. This Final Rule updates sex discrimination guidelines from 1970 with new regulations that align with current law and address the realities of today’s workplaces. The Final Rule deals with a variety of sex-based barriers to equal employment and fair pay, including compensation discrimination, sexual harassment, hostile work environments, failure to provide workplace accommodations for pregnant workers, and gender identity and family caregiving discrimination. The revised regulations became effective on August 15, 2016.</p> <p>2015 AR: According to the Government: There have been some changes in federal law and practice bearing upon workplace discrimination. Federal agencies continue to provide guidance and training to employers, workers, and various interested groups, including labor organizations and employer associations, concerning the federal laws relating to workplace discrimination.</p> <p>2014 AR: On December 17, 2012, the Equal Employment Opportunity Commission (EEOC)⁹⁷ approved a new Strategic Enforcement Plan to guide the agency’s enforcement efforts through Fiscal Year (FY) 2016. The agency invited public comments on the plan prior to its approval, and held several public meetings to gather information about prevailing discrimination problems and how the EEOC could approach them. The plan identifies six areas for EEOC focus: 1) eliminating barriers in recruitment and hiring such as the use of exclusionary screening practices; 2) protecting immigrant, migrant, and other vulnerable workers; 3) addressing emerging and developing issue areas such as pregnancy discrimination, and lesbian, gay, bisexual, and transgender workers’ protections; 4) strengthening enforcement of equal pay laws to address compensation discrimination based on sex; 5) preserving access to the legal system by targeting employer policies and practices that discourage or prohibit individuals from exercising their rights or impede EEOC investigation or enforcement efforts; and 6) preventing harassment through systemic enforcement and targeted</p>
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	<p>Basic legal provisions</p>	<p>(i) US Constitution; (ii) the Civil Rights Act, 1964; (iii) the Equal Pay Act, 1963; (iv) the Civil Rights Act of 1991; (v) the Civil Service Reform Act of 1978; (vi) the Women’s Educational Equity Act of 2001; (vii) EO 11478; (viii) EO 11590; (ix) the Classification Act; (x) the Wagner- Peysner Act; (xi) the Workforce Investment Act; (xii) the Carl D. Perkins Vocational and Technical Education Act; (xiii) the Age Discrimination in Employment Act (ADEA), 1967; (xiv) the Americans with Disabilities Act (ADA); (xv) the Americans with Disabilities Amendments Act (ADAAA), 2008, Pub. L. No. 110-325; (xvi) the Genetic Information Non-discrimination Act of 2008 (GINA), May 2008, Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff <i>et seq.</i>; and (xvii) the Lilly Ledbetter Fair Pay Act, January 2009, Pub. L. No. 111-2.</p>
	<p>Grounds of discrimination</p>	<p>2000-2005 ARs: According to the Government: Discrimination with respect to employment and occupation is prohibited on grounds of race, color, religion, sex, national origin, political opinion, social origin, age and disability.</p>
	<p>Judicial decisions</p>	<p>2018 AR: The Government reports that in <i>Hively v. Ivy Tech Community College of Indiana</i>, the U.S. Court of Appeals for the Seventh Circuit Court ruled that workplace discrimination on the basis of sexual orientation is a form of sex discrimination under Title VII of the Civil Rights Act of 1964 (“Title VII”), the first federal circuit court to so rule. In contrast, the U.S. Court of Appeals for the Eleventh Circuit, in <i>Evans v. Georgia Regional Hospital</i>, held that discrimination on the basis of sexual orientation is not prohibited under Title VII, consistent with prior rulings from some other federal circuit courts.</p> <p>2015 AR: According to the Government: In June 2014, the U.S. Court of Appeals for the Seventh Circuit held that failure to state an end date for unpaid leave taken under the Family and Medical Leave Act (FMLA) does not eliminate protections under the Act. The plaintiff had a daughter suffering from thyroid cancer, whom she was to care for starting in January 2011. She submitted the appropriate form to her employer, but left the date of her return blank. On the form, a physician noted that the daughter’s recovery time was uncertain, but that she would need care through July 2011. The employer inferred from this statement that the plaintiff would not return until then, which would be longer than the 12 weeks granted under FMLA, and hired a replacement for her position. When the plaintiff returned to work at the end of 12 weeks, she was told she no longer had a job. The district court granted summary judgment for the employer, and the Seventh Circuit reversed, granting summary judgment for the employee, arguing that the employer could not simply assume that the employee would take leave longer than permitted and had an obligation to clarify the leave situation with the employee.¹²⁶ In January 2014, EEOC’s revised Interpretive Guidance on Title I of the ADA came into effect. The guidance establishes that the definition of disability under the ADA, as amended in 2008, is to be construed to extend broad coverage of individuals. The guidance also elaborates more fully on the definition of “disability,” providing examples of what is a disability and what is not. Further, the guidance recommends shifting judicial focus to the question of whether or not the employer has complied with the ADA, not whether an individual meets the definition of disability.¹²⁷ Also, in January 2014, the U.S. Court of Appeals for the Fourth Circuit, in</p>

		<p>the first appellate decision to interpret the expanded definition of “disability” under the ADAAA, ruled that “an impairment is not categorically excluded from being a disability simply because it is temporary.” The plaintiff badly injured both legs when he fell from a commuter train.</p> <p>2014 AR: According to the Government: In May 2013, United States Court of Appeals for the Fifth Circuit held that firing a woman for lactating is unlawful sex discrimination under Title VII of the Civil Rights Act, as amended by the Pregnancy Discrimination Act. The plaintiff claimed she was fired after asking her employer whether she would be able to pump breast milk at work. The district court had dismissed the lawsuit deciding that lactation is not sex discrimination because it is not pregnancy, childbirth, or a related medical condition, but on appeal the Fifth Circuit overturned the district court’s decision and sent the case back to be decided on the merits.¹²⁸</p> <p>2013 AR: According to the Government: U.S. courts have addressed a broad array of issues relating to discrimination in employment during the reporting period. On December 6, 2011, the U.S. Court of Appeals for the Eleventh Circuit affirmed a district court’s summary judgment ruling in favor of a woman who announced at work that she was transitioning from male to female, holding that discriminating against an individual based on gender nonconformity amounts to sex discrimination under the 14th Amendment’s equal protection clause.¹²⁹ Also on December 6, 2011, a California district court found that six employees of a major beverage company were wrongfully discriminated against on the basis of age in violation of California’s Fair Employment and Housing Act, and ordered backpay and punitive damages.¹³⁰ The men alleged that they had been specifically targeted as part of a scheme to get older workers to quit by means of heavier workloads, unwarranted write-ups, and downgraded reviews.</p> <p>2012 AR: According to the Government: A decision issued by the U.S. Supreme Court on January 24, 2011, advances employees’ rights under Title VII by holding that third-parties may pursue retaliation claims under the law. <i>Thompson v. North American Stainless LP</i>, 131 S.Ct. 863 (2011). Specifically, a male employee who claims he was fired because his fiancée filed a sex discrimination charge against their mutual employer may pursue a retaliation claim under Title VII of the 1964 Civil Rights Act. Moreover, on March 1, 2011, the U.S. Supreme Court issued a decision concerning employer liability under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4301et seq. <i>Staub v. Proctor Hosp.</i>, 131 S.Ct. 1186 (2011). USERRA prohibits employer denial of “employment, reemployment, retention in employment, promotion, or any benefit of employment” based on a person’s “membership” in or “obligation to perform service in a uniformed service,” 38 U.S.C. § 4311(a), and provides that liability is established “if the person’s membership... is a motivating factor in the employer’s action,” 38 U.S.C. § 4311(c). In <i>Staub</i>, the Supreme Court held that if “a supervisor performs an act motivated by antimilitary animus that is intended by the supervisor to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, then the employer is liable under USERRA.”</p> <p>2010 AR: According to the Government: A series of recent Supreme Court decisions affected the rights of parties alleging employment discrimination. In <i>Ricci, et al. v. DeStefano, et al.</i>, 556 U.S. , 129 S.Ct. 2658 (2009), the Court held that the City of New Haven violated Title VII of the Civil Rights Act by throwing out the results of a promotion examination after white candidates scored significantly better than minority candidates. According to the Court, the City’s decision to discard the test results, even if well-intentioned, constituted intentional race discrimination because it was clearly based on the racial breakdown of the test results. In <i>Gross v. FBL Financial Services</i>, 556 U.S. , 129 S.Ct. 2343 (2009), the Court held that “mixed motive” jury instructions applicable to cases under Title VII may not be given in discrimination cases brought under the ADEA. In <i>Crawford v. Metro Gov’t of Nashville & Davidson County, Tenn.</i>, 555 U.S. ,¹²⁹</p>
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<p>Exercise of the principle and right</p>	<p>Special attention to particular situations</p>	<p>2018 AR: According to the Government, federal agencies continue to pay particular attention to a number of groups of workers, as identified in past reports. On September 23, 2016, OFCCP announced a significant expansion of its Mega Construction Project (MCP) Program to ensure that federal construction contractors and subcontractors – companies that receive taxpayers’ dollars to construct buildings, highways, and other federally funded or federally assisted projects – make job opportunities in the construction trades available to applicants and employees regardless of their race, color, religion, sex, gender identity, sexual orientation, national origin, disability, or protected veteran status. The MCP Program seeks to ensure that the nation’s largest construction projects can make a real difference in employment opportunities for the thousands of women, minorities, individuals with disabilities, and protected veterans who have the qualifications, experience, and determination to work on large, federally funded or federally assisted construction projects in their communities.</p> <p>OFCCP developed and improved relationships with community-based and national organizations representing women, minorities, individuals with disabilities, veterans, and other protected groups. These relationships are used by OFCCP to connect job placement providers with contractors that have job opportunities, increase local</p>

		<p>stakeholder participation in mega construction projects, and identify victims of discrimination who are due remedies as a result of OFCCP and an employer reaching an agreement to resolve employment discrimination violations. Finally, in addition to relationship-building, OFCCP develops and distributes tools and resources such as pamphlets, factsheets, videos, and pocket cards to jobseekers and employees protected by OFCCP’s laws on their nondiscrimination and equal employment opportunity protections. On October 31, 2016, ODEP launched the “Medical-and Disability-Related Leave Advisor,” a new tool to assist both employers and employees with managing leave as a reasonable accommodation for medical conditions and disabilities. The tool gathers information about the type of business, company size, and federal financial assistance to advise employers how to efficiently comply with federal employment laws. Since its inception, the website has been used by over 5,400 employers and employees. ODEP has also been working with states to promote disability employment by working with intermediary bodies such as the National Conference of State Legislatures (NCSL), the National Governors Association (NGA), and the Council of State Governments (CSG). Last year, NCSL and CSG convened a national task force on disability employment and issued a report and policy guide for states. CSG also used its Shared State Legislation process to approve the adoption of five disability employment-related pieces of legislation. ODEP also continues to manage the Employment First State Leadership Mentoring Program (EFSLMP), which now provides intensive technical assistance to 14 states to promote competitive integrated employment. Six state agencies from each state signed letters of agreement to align their policy to achieve competitive integrated employment (CIE), or employment in workplace settings where the majority of persons employed are not persons with disabilities, for people who have been segregated in work centers and other sheltered employment. Twenty-four states have now worked with ODEP to align their state policy to achieve this goal, and have produced a plethora of state guidance, Memoranda of Understanding, technical assistance products and other policy deliverables. Particular emphasis is being placed on people with mental health disabilities, veterans with disabilities, and individuals with disabilities wishing to return to work following illness or injury. Over 2,400 individuals from all 50 states participate in ODEP’s EFSLMP Community of Practice.</p> <p>2015 AR: According the Government: During the reporting period, DOL has also taken actions to address discrimination in employment. OFCCP sought legal action against federal contractors for claims of noncompliance with anti-discrimination requirements: In January 2014, OFCCP reached a settlement with a meat distributor over allegations that the company’s hiring processes and selection procedures discriminated on the basis of sex and race. The company agreed to pay \$2,236,218 to 2,959 applicants, extend job offers to 354 applicants, and undertake self-monitoring procedures to ensure hiring practices comply with the law.¹³¹ In June 2014, OFCCP reached a settlement with a manufacturer of welding, cutting, and joining products in a race discrimination case. OFCCP had determined that the company’s paper and online application systems created multiple barriers for African Americans to advance in the selection process, and that the company’s application test was not properly validated. The company agreed to pay \$1 million in back pay to 5,557 applicants, offer entry level positions to 48 applicants, and revise its policies, including changing its application test, to ensure equal employment opportunity for all applicants.¹³² The Department of Justice (DOJ)¹³³ has also taken actions to address discrimination in employment: In May 2014, DOJ settled a sex discrimination case against Queen Anne’s County, Maryland, involving allegations of sexual harassment by supervisors, including unwanted touching and explicit commentary, as well as derogatory comments against women, and termination of an employee who complained about this discrimination. The County agreed to pay \$620,000 to the employee</p>
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			<p>these issues to enhance EEOC’s enforcement, litigation, and outreach. In addition to the efforts to implement EO 13548 discussed above, the Secretary of Labor, in September 2011, announced an additional \$2.2 million in funding, through DOL’s “Add Us In” initiative, to address employment disparities for people with disabilities. The initiative aims to identify and develop strategies to increase the capacity of small businesses and communities, particularly underserved and historically excluded communities, to employ youth and adults with disabilities. DOL’s Bureau of Labor Statistics showed that the unemployment rate for individuals with disabilities was significantly higher than for individuals without disabilities.</p> <ul style="list-style-type: none"> • On November 16, 2011, EEOC held a public meeting with a panel of experts from DOL and other agencies to discuss effective ways to remove barriers to employment for disabled veterans. EEOC subsequently, in February 2012, issued two revised publications addressing the unique needs of veterans with disabilities transitioning to civilian employment: “Veterans and the Americans with Disabilities Act (ADA): A Guide for Employers;” and “Understanding Your Employment Rights Under the ADA: A Guide for Veterans.” • In August 2011, OPM and EEOC issued a joint memorandum stating their commitment to ensure equal pay for equal work in the federal government and explaining the obligations of the federal government under the Equal Pay Act, pursuant to the recommendations of the President’s National Equal Pay Task Force. 141 The task force, which brings together EEOC, DOL, DOJ, and OPM, coordinates an integrated, interagency civil rights agenda to address gender equality and equal pay at work. The task force released a report in April 2012 detailing its accomplishments over the past two years, including EEOC’s recovery of more than \$62.5 million through administrative enforcement for victims of sex-based discrimination, and OFCCP’s recovery of more than \$24 million in back wages and 5,500 job opportunities on behalf of more than 50,000 victims of gender discrimination. • EEOC has conducted outreach with particular emphasis on gender discrimination, including its Youth@Work Initiative to inform teens about their rights and responsibilities in the workplace and the Fair Pay Initiative to coordinate and highlight fair pay protections available to women. EEOC has also litigated sex-based wage discrimination claims, recovering almost \$900,000 for female victims of pay discrimination. For example, in May 2012, EEOC resolved a lawsuit against a healthcare company alleging that the company paid two female managers less than a male who performed substantially equal work.143 The company agreed to pay \$260,000 in monetary relief, provide all employees with training on their obligations under the Equal Pay Act and Title VII, post an anti- discrimination notice, revamp its non-discrimination policies, implement complaint processing procedures, maintain complaint records, promote management accountability regarding anti-discrimination policies, and provide EEOC with annual reports on its compliance with the consent decree. • EEOC has also filed a number of lawsuits on behalf of female farm workers who were subjected to severe sexual harassment. In at least six of these cases, EEOC obtained not only significant monetary relief, but also changes to employers’ internal procedures, accountability of supervisors, and monitoring by EEOC. • In July 2012, EEOC settled a lawsuit against a large farm alleging that a 17-year old female migrant worker was sexually harassed and others were subjected to retaliation at work. The farm agreed to implement comprehensive and sweeping changes of company procedures for dealing with discrimination and retaliation, affecting up to 3,000 employees, and to expend a total of \$350,000 to resolve the
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			<p>case.¹⁴⁴ In November 2011, a large orchid farm and a former owner agreed to pay \$240,000 to settle a suit alleging that a class of Latina greenhouse workers was subjected to pervasive sexual harassment, discrimination, and retaliation due to their sex and national origin.¹⁴⁵ The parties entered into a consent decree requiring the company to provide staff with EEO training, track future complaints by creating a centralized tracking system, and hold employees accountable for addressing complaints.</p> <ul style="list-style-type: none"> • In addition, EEOC has investigated and litigated cases of systemic gender discrimination. For example, in July 2012, EEOC settled a lawsuit against a fast food restaurant owner, which alleged that the owner permitted male employees to create a hostile work environment by sexually harassing female co-workers, some of whom were teenagers, and by retaliating against those who complained.¹⁴⁶ Under the terms of the four-year consent decree, the owner will pay \$1 million in compensatory damages; create an ombudsperson to monitor, solicit, and resolve discrimination complaints; establish a hotline to report discrimination; evaluate management performance based in part on compliance with anti-discrimination policies; track and maintain records of complaints; implement a comprehensive training program; post notices; and provide periodic reports to EEOC showing compliance with the terms of the Decree. • In September 2011, OFCCP entered into consent decrees with one of the world's largest processors of beef and pork to settle allegations of sex discrimination. The company will pay a total of \$2.25 million, to be divided among more than 1,650 qualified female job applicants who were rejected for employment at various facilities in violation of EO 11246, which prohibits federal contractors from discriminating on the basis of sex. <p>2012 AR: According to the Government: On April 26, 2011, the Office of Federal Contract Compliance (OFCCP) published a Notice of Proposed Rulemaking (NPRM) seeking public comment on a proposal to strengthen affirmative action requirements of federal contractors and subcontractors for veterans protected under the Viet Nam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974. The OFCCP issued the proposal because increasing numbers of veterans are returning from duty in Iraq, Afghanistan and elsewhere around the world and face substantial obstacles in finding employment. On July 23, 2010 the OFCCP also published an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on a series of questions intended to identify potential ways to strengthen the affirmative action regulations that apply to federal contractors and subcontractors pursuant to section 503 of the Rehabilitation Act. The framework articulating contractors' section 503 responsibilities has been in place since the 1970's. However, both the unemployment rate of working age individuals with disabilities and the percentage of working age individuals with disabilities that are not in the labor force remain significantly higher than for those without disabilities. Strengthening section 503 regulations is an important step toward reducing barriers to equal employment opportunity for individuals with disabilities. Furthermore, OFCCP proposes revising these regulations to incorporate changes to the law made by the ADA Amendments Act of 2008 (ADAAA). On October 28, 2010, DOL announced the availability of a new online toolkit to guide employers through the process for hiring veterans. The free toolkit is designed to assist and educate employers who have made the proactive decision to include veterans and wounded warriors in their recruitment and hiring initiatives. Developed as part of the Department's "America's Heroes at Work" initiative, the Veterans Hiring Toolkit features a straightforward six-step process pinpointing helpful tools for a business to design a veterans hiring initiative. These steps include creating an educated and welcoming environment for veteran employees; actively recruiting veterans, wounded warriors and military spouses; learning how to accommodate qualified</p>
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		<p>veterans and wounded warriors in the workplace; and promoting an inclusive workplace to help retain veteran employees.</p> <p>2011 AR: According to the Government: On October 19, 2010, the settlement was announced of a class action lawsuit brought by Native American farmers and ranchers against the US Department of Agriculture (USDA) for unfair treatment in the Department's farm loan program. As a result of the settlement the class plaintiffs will receive \$760 million in monetary relief, and reforms will be instituted in the Department's farm loan program. The case was originally filed in 1999 by Native American farmers alleging discrimination in access to and participation in USDA's farm loan programs. The settlement provides a broad range of programmatic relief, including creation of a new Federal Advisory Council for Native American farmers and ranchers that will include Native American representation from around the country and senior USDA officials. A new ombudsman position will be created to address farm program issues relating to Native American farmers and ranchers, as well as all other socially disadvantaged farmers and ranchers. The USDA will also offer Native American farmers enhanced technical assistance services.</p> <p>2003 AR: According to the Government: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment (part-time, full-time, temporary, and contingent); (iv) agricultural workers; (v) workers engaged in domestic work; (vi) migrant workers; and (vii) workers in the informal economy are provided with statutory protections against discrimination in employment.</p>
	<p>Information/ Data collection and dissemination</p>	<p>2018 AR: According to the Government, the EEOC's Commission meetings are open to the public. During its meetings, the Commission receives information from experts and those affected by topical employment discrimination issues. The record for these meetings customarily is held open for a period of time to allow members of the public to submit written comments on topics addressed during the meeting. The information gathered during these meetings helps the Commissioners make decisions about how the EEOC can more effectively address the issue in its enforcement of the federal equal employment opportunity laws. The transcripts from the proceedings and the written statements of witnesses are publicly available. Recent Commission meetings include: i) The Age Discrimination in Employment Act (ADEA) @ 50: More Relevant than Ever (June 14, 2017), ii) The State of the Workforce and Future of Work (April 5, 2017), iii) Big Data in the Workplace: Examining Implications for Equal Employment Opportunity (EEO) law (Oct. 13, 2016); iv) Rebooting Workplace Harassment Prevention (June 20, 2016, covering key findings of The Report of the Co-Chairs of the Select Task Force on the Study of Harassment in the Workplace;) and v) Promoting Diverse and Inclusive Workplaces in the Tech Sector (May 18, 2016).</p> <p>2016 AR: In January 2016, DOL's OFCCP and the EEOC announced their collaborative efforts on the collection of compensation data using EEOC's existing Employer Information Report (EEO-1 Report) to support their enforcement efforts related to discrimination in the form of pay discrimination.</p> <p>2012 AR: According to the Government: On August 10, 2011, the U.S. Department of Labor's (DOL) OFCCP issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on the development of a new data tool to collect information on salaries, wages and other benefits paid to employees of federal contractors and subcontractors. The tool would improve OFCCP's ability to gather data that could be analyzed for indicators of discrimination, such as disparities faced by female and minority workers. In addition to providing the OFCCP investigators with insight into potential pay discrimination warranting further review, the proposed tool would provide a self-assessment element to help employers evaluate the effects of</p>

	<p>their compensation practices. Moreover, the U.S. Census Bureau maintains the Census 2000 Special EEO file for the use of Federal agencies responsible for monitoring employment practices and enforcing civil rights laws in the workforce, and for all employers so they can measure their compliance under equal employment opportunity laws. The Census 2000 Special EEO Tabulation serves as the primary benchmark for conducting comparisons between the racial, ethnic, and sex composition of each employer's workforce to its available labor market. The datasets on the Census 2000 Special EEO Tabulation provide data on race and ethnicity cross-tabulated by other variables such as detailed occupations, occupational groups, sex, worksite geography, residence geography, education, age, and industry.</p> <p>2003-2011 ARs: According to the Government: Statistics concerning lawsuits filed by the EEOC, monetary benefits for employees and unlawful employment discriminations are available on the EEOC's website at www.eeoc.gov/stats/enforcement.html and the OFCCP's website at: http://www.dol.gov/esa/ofccp/enforc08.pdf.</p> <p>2000 AR: The Government stated that the Department of Labor, Women's Bureau had conducted a series of studies concerning the impact of various federal employment laws on working women.</p>
<p>Prevention-Monitoring, enforcement and sanctions mechanisms</p>	<p>2018 AR: According to the Government, in October 2017, the EEOC launched a training program about Respectful Workplaces consistent with recommendations made in the Co-Chairs Report on the Select Task Force on the Study of Harassment in the Workplace Report. The Task Force, co-chaired by two EEOC commissioners and consisting of a select group of outside experts, issued the Co-Chairs report at the culmination of its examination of harassment in U.S. workplaces. Prior to the issuance of this report, the Task Force held a series of public meetings to take testimony from witnesses including survivors of harassment, civil and human rights advocates, corporate executives, human resource experts, training providers, academics, attorneys, and statisticians. The Respectful Workplaces training program goes beyond defining unlawful harassment and focuses on respect, acceptable workplace conduct, and the types of behaviors that contribute to a respectful and inclusive, and therefore ultimately more profitable, workplace. The Co-Chairs report includes detailed recommendations for harassment prevention, including effective policies to reduce and eliminate harassment and recommendations for targeted outreach and future research. The EEOC reached more than 317,000 workers, employers, and their representatives and advocates through the agency's sponsorship and participation in more than 4,000 no-cost educational, training, and outreach events in FY 2017. The EEOC Training Institute additionally trained 17,000 individuals at more than 430 events. In terms of awareness-raising activities, the Government reports that the EEOC also worked collaboratively with the small business community to prevent employment discrimination and promote voluntary compliance with equal employment opportunity laws. In September 2016, the EEOC launched the online Small Business Resource Center to provide a one-stop shop to help small businesses comply with the federal equal employment opportunity laws enforced by the EEOC. The Resource Center was designed for small business owners who need information both quickly and in an easy-to-understand format. In addition to providing general information on the laws enforced by the EEOC and ways in which EEOC can assist small businesses, there are answers to frequently asked questions, guidance in making employment decisions, and tips for small businesses on a variety of potential workplace discrimination issues. In 2017, the Small Business Administration Ombudsman's Report again gave EEOC an "A" rating for responsiveness to small business concerns. In addition, in FY 2017, the EEOC responded to over 540,000 calls to its toll-free number and more than 155,000 inquiries in its field offices.</p> <p>2016 AR: According to the Government, in the Fiscal Year 2015, the Equal Employment Opportunity Commission received 89,385 new charges of discrimination against private employers and state and local governments, resolved 92,641 pending charges, and recovered \$356.6 million in monetary benefits for charging parties through administrative enforcement resolutions. The EEOC continued to focus its efforts on systemic discrimination, defined as "pattern or practice, policy and/or multi-victim cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location." The</p>

	<p>EEOC resolved 268 systemic investigations in FY 2015, resulting in a monetary recovery of approximately \$33.5 million. During FY 2015, EEOC field legal units filed 142 merits lawsuits, including 100 individual suits, 42 suits involving multiple victims, of which 16 were systemic suits. The EEOC’s legal staff resolved 155 merits lawsuits in the federal district courts, resulting in \$65.3 million in monetary recovery. The Department of Justice has also litigated several cases to protect employees against discrimination in the workplace.</p> <p>2015 AR: According to the Government: To facilitate and coordinate the investigation of multiple charges against the same employer, EEOC established the Systemic Watch List. This software application issues an automatic alert to staff working on an ongoing investigation or lawsuit when another new charge is filed that matches their current case, facilitating agency action, particularly on systemic cases</p> <p>In 2014, OFCCP, along with EEOC, conducted over 100 outreach events. EEOC also became a partner in DOL’s Consular Partnership Program, along with DOL’s Bureau of International Labor Affairs, Wage & Hour Division, the Occupational Health and Safety Administration, and the National Labor Relations Board. In 2014, the EEOC offices in San Francisco (California)¹⁴⁸ and Charlotte (North Carolina)¹⁴⁹ signed Memoranda of Understanding with Mexican consulates in their regions to assist with outreach to Mexican nationals in those areas regarding the federal laws that protect workers from discrimination regardless of immigration status, joining the 11 other regional offices that did so in 2013.</p> <p>2014 AR: According to the Government: In FY 2012, EEOC received 99,412 new charges of discrimination against private employers, state and local governments, resolved 111,139 pending charges, and recovered a record \$365.4 million in monetary benefits for charging parties. EEOC continued to focus its efforts on systemic discrimination, defined as “pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location.” EEOC resolved 240 systemic investigations in FY 2012, resulting in a monetary recovery of \$36.2 million for 3,813 individuals, four times the amount recovered in FY 2011. During FY 2012, EEOC field legal units filed 122 merits lawsuits (direct suits and interventions alleging violations of the substantive provisions of the statutes enforced by the Commission and suits to enforce administrative settlements) consisting of 66 Title VII claims, 45 Americans with Disabilities Act (ADA) claims, 12 Age Discrimination in Employment Act claims, and 2 Equal Pay Act claims. EEOC’s legal staff resolved 254 merits lawsuits, resulting in \$44.2 million in monetary recovery. Examples of significant litigation activity during FY 2012 and 2013 include the following:</p> <ul style="list-style-type: none"> • In May 2013, EEOC obtained an historic \$240 million jury verdict (later reduced to comply with statutory maximums) against a turkey processing plant in Iowa for severely discriminating against 32 men with intellectual disabilities by restricting their movement, requiring them to live in deplorable conditions, subjecting them to physical and verbal abuse, and otherwise treating them inhumanely. This result was in addition to a September 2012 damages verdict of \$1.3 million, which EEOC obtained for the employer’s practice of paying these men with intellectual disabilities lower wages than non-disabled employees for the same work. • In November 2012, EEOC settled a nationwide class action alleging disability discrimination against a trucking firm for \$4.85 million for the class members, as well as changes to the employer’s policies for providing reasonable accommodations to workers. The agency alleged that the employer violated the ADA by automatically firing workers who took 12 weeks of leave without considering additional leave as a reasonable accommodation, and also by refusing to allow workers to return to work who had any work restrictions or required job modifications. • In September 2012, EEOC settled a case against a hospital for \$975,000 to be distributed among around 70 victims. EEOC had alleged that the hospital subjected Filipino employees to harassment, scrutiny and discipline, particularly for speaking with a Filipino accent or in Filipino languages like Tagalog or Ilocano. The consent decree required the hospital to develop strong protocols for handling harassment and discrimination, to adopt a language policy that complies with Title
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	<p>VII, and to hire an EEO monitor.¹⁵²</p> <ul style="list-style-type: none"> On August 30, 2012, EEOC filed a consent decree that includes a \$2.3 million settlement with a national electronics retailer after EEOC charged the company with sexually harassing a salesperson and firing a supervisor for standing up for her. The consent decree includes preventative measures that must be taken by the company, in addition to court-ordered sanctions and fines. This was one of the largest per-claimant settlements in EEOC history, and signals strongly to employers that sexual harassment in the workplace is a serious issue.¹⁵³ <p>While EEOC lacks authority to impose fines on employers, it attempts to conciliate charges of discrimination between the employer and charging party before filing a lawsuit or giving the charging party a right to file a suit on her own. Several examples of significant conciliations during FY 2012 include the following:</p> <ul style="list-style-type: none"> In a case against a federal contractor that involved cooperation between EEOC and DOL's OFCCP, a defense contractor that denied employment to women, after instituting a heavy lifting test, paid \$2.23 million to the victims and agreed to provide job offers to a class of 36 women.¹⁵⁴ A large employer agreed to revise its leave policies, which had negatively affected approximately 2,000 individuals who were denied additional leave as a reasonable accommodation for a disability. It also agreed to pay \$1.6 million to those affected; post a notice about the case for all employees to view; train all managers, supervisors, and human resource officials on disability law requirements; review its internal complaint procedures; and allow EEOC to monitor any revisions or changes to its leave policy.¹⁵⁵ During FY 2012, EEOC continued to encourage resolution of charges through its mediation program, resulting in resolution of 8,714 employment disputes and over \$153.2 million in benefits. <p>EEOC oversees administrative complaints of employment discrimination for most of the federal government. In this complaint process, individuals who believe that they were discriminated against by a federal government employer first must file discrimination complaints with the relevant agency or department. After an investigation is conducted, the employee has an opportunity to select either an immediate decision from the agency, or seek a hearing with an EEOC Administrative Judge. All decisions are subject to a second level appeal to EEOC at the end of the administrative process. In FY 2012, EEOC Administrative Judges resolved 7,538 complaints, securing more than \$61.9 million for individuals with complaints about discrimination within the federal government. The agency also resolved 4,265 administrative appeals.</p> <p>Similarly, during the reporting period, DOL has also taken actions to address discrimination in employment:</p> <ul style="list-style-type: none"> In July 2013, OFCCP settled a case against a construction company alleged to have permitted sexual harassment at the work place, retaliated against workers who complained about a hostile work environment, and interfered with an investigation by terminating workers to prevent them from being interviewed, resulting in \$112,573 in back pay to terminated workers.¹⁵⁶ In July 2013, OFCCP settled a case against a health insurance company involving 12 minority customer service representatives who were retaliated against after settling a hiring discrimination case, resulting in \$372,739 in back pay.¹⁵⁷ In September 2013, OFCCP settled a case against a supplier of medical and surgical equipment involving allegations regarding involving compensation discrimination against Hispanic employees, resulting in \$290,000 in back pay.¹⁵⁸ <p>The Department of Justice (DOJ)¹⁵⁹ has also taken actions to address discrimination in employment:</p> <ul style="list-style-type: none"> In September 2012, DOJ settled a case against the city of Corpus Christi, Texas involving allegations that the city violated Title VII of the Civil Rights Act by discriminating against women when hiring entry-level police officers. The complaint alleges that the city used a physical abilities test that was not related to job requirements when hiring entry-level police officers that screened out more women than men. The city agreed to pay \$700,000 to female applicants who took and failed the test.
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	<ul style="list-style-type: none"> In January 2013, DOJ settled a case against a food service provider alleging a pattern or practice of treating non-U.S. citizens differently from U.S. citizens during the employment eligibility verification process for \$250,000 in civil penalties, the third highest amount paid through settlement since the enactment of the Immigration Nationality Act's (INA) anti-discrimination provision in 1986. The company has also agreed to fully compensate any victims who lost wages as a result of the activities, undergo DOJ training on the anti-discrimination provision of the INA, and be subject to monitoring of its employment eligibility verification practices for a period of three years In April 2013, DOJ settled a case against Lee County, Florida, regarding allegations that the county discriminated against three Hispanic employees on the basis of race and national origin by failing to take meaningful action to stop co-workers from harassing the employees of the facilities management by mocking their accents, making false accusations against the employees to have them terminated, and using racial and ethnic slurs. The county is to pay the employees \$295,500, revise its anti-discrimination policies, and provide mandatory equal employment training to all employees. <p>2013 AR: According to the Government: On the enforcement side, during FY 2011, EEOC field legal units filed 261 merits lawsuits in federal courts, consisting of 162 Title VII claims, 80 ADA claims, 26 Age Discrimination in Employment Act claims and two Equal Pay Act claims. EEOC legal staff resolved 277 merits lawsuits, resulting in \$90.9 million in monetary recovery. EEOC continued with its efforts to combat systemic investigations, defined as "pattern or practice, policy and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location." EEOC was involved in 580 systemic investigations at the end of FY 2011, involving 2,067 separate charges. There were 39 subpoena enforcement actions filed in FY 2011, which typically involve systemic investigations, up from 21 in FY 2010.</p> <ul style="list-style-type: none"> EEOC also conducted 6,264 no-cost educational, training, and outreach events concerning the federal anti-discrimination laws enforced by the agency, which reached over 511,000 stakeholders, in FY 2011. EEOC has provided outreach, education, and technical assistance to focus on increasing voluntary compliance with federal equal employment opportunity laws and on improving employee and employer awareness of rights and responsibilities under these laws. EEOC has previously conducted outreach with a variety of outside partners, including the Mexican Consulates in Atlanta and San Diego, the Hawaii Coalition Against Human Trafficking, the Arizona Interagency Farm Workers Coalition, the Council on American-Islamic Relations, and United Sikhs. Technical assistance is provided through EEOC's Training Institute, Technical Assistance Program Seminars, customer specific seminars/courses, webinars, and conferences. In July 2012, EEOC held a public meeting with academics, civil rights representatives, business and federal sector communities, as well as former and current EEOC leaders and employers, to discuss its proposed Strategic Enforcement Plan for 2012-2016.163 EEOC sought viewpoints on identifying national priorities that would have the greatest effect in combating discrimination in the workplace over the next three years. Participants highlighted the need for consistent practices and procedures across field offices, and requested that EEOC devote more resources to enhance efficient charge processing and new outreach and education initiatives using social media. In December 2011, EEOC launched an internal Small Business Task Force to develop recommendations on how EEOC can provide improved outreach and technical assistance to small businesses to ensure compliance with federal anti-discrimination laws.164 EEOC continued its practice of examining federal agencies' annual reports on the demographics of their workforces. In situations where there are disparities between the demographics of the available civilian workforce and the agency's demographics, EEOC instructs the agencies to conduct a self-assessment to identify barriers that may exclude certain minority groups and to evaluate solutions for eliminating such barriers. <p>EEOC has increased its interagency coordination with sister civil rights agencies sharing similar missions during FY 2011. For example, EEOC</p>
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	<p>and the Department of Justice (DOJ) have engaged in a pilot project to increase coordination between EEOC investigators and DOJ attorneys in cases that can only be litigated by DOJ, such as those involving state or local government respondents. EEOC and OFCCP revised their Memorandum of Understanding (MOU), effective November 7, 2011, thereby reinvigorating their partnership. The agencies first entered into this MOU on May 20, 1970 and revised it in 1974, 1981 and most recently in 1999. This MOU sets out procedures for OFCCP and EEOC to coordinate investigation of Title VII and Executive Order 11246 complaints. The revised MOU promotes greater coordination, reduces duplication and maximizes efficiency across agencies.</p> <p>2012 AR: According to the Government: The EEOC hired nearly 200 new investigators, trial attorneys, and support staff to enhance its ability to enforce federal anti-discrimination laws. This hiring initiative built upon previous efforts begun in 2009, including the hiring of additional front-line staff, a significant agency-wide training initiative, and a renewed emphasis on pre-charge counseling, and identifying, sharing, and implementing best practices in charge handling. As a consequence of these efforts, the EEOC’s private sector national mediation program secured 9,370 resolutions, the highest number in the history of the program. On the enforcement side, the EEOC field legal units filed 250 merits lawsuits in federal courts challenging a wide variety of discriminatory practices, as well as 21 subpoena enforcements and other actions. Of the new merit filings, 154 were individual suits, 96 were multiple victim suits and 20 were systemic cases expected to directly impact large numbers of individuals. The EEOC legal staff resolved 285 merits lawsuits for a total monetary recovery of over \$85 million, achieving a favorable outcome in 92 per cent of all lawsuit resolutions. In Fiscal Year (FY) 2010, the EEOC continued its effort to build a strong national systemic enforcement program. At the end of the FY, 465 systemic investigations, involving more than 2,000 charges, were being undertaken, and the EEOC field offices completed work on 165 systemic investigations resulting in 29 settlements or conciliation agreements, recovering \$6.7 million. Additionally, by participating in 3,766 training and outreach events, the Agency educated approximately 250,000 persons in FY 2010. Moreover, the Employment Litigation Section of the U.S. Department of Justice’s Civil Rights Division also enforces laws prohibiting discrimination in the workplace, including discrimination on the basis of race, color, national origin, sex, pregnancy, and military status. Further, the section enforces laws prohibiting an employer from retaliating against a person because he or she has opposed a discriminatory employment practice (e.g., race discrimination, military status discrimination), has complained about discrimination, or has assisted in the investigation of a complaint of discrimination. A summary of major enforcement actions undertaken in 2010 by the section is available at http://www.justice.gov/crt/about/emp/. Furthermore, in FY 2011, the OFCCP conducted over 4,000 compliance reviews, completed 144 complaint investigations alleging discrimination, recovered more than \$12 million in back pay and obtained job opportunities for 1,446 victims of discrimination. The OFCCP reached financial settlements in 134 discrimination cases in FY 2011 alone, an increase of 38 per cent compared to the financial settlements reach in FY 2010 (97) and 43 per cent compared to 2009 (94). In addition, the OFCCP successfully debarred a non-compliant federal contractor for the first time in 8 years; resolved a multi-establishment corporate-wide case resulting in \$2.25 million in back wages, interest and benefits to 1,650 qualified female job applicants; and successfully resolved a difficult and protracted compensation case resulting in \$250,938 to 124 women subjected to pay discrimination.</p> <p>2010 AR: According to the Government: The OFCCP administers and ensures compliance with one EO and two equal employment opportunity laws that prohibit Federal contractors and subcontractors from discriminating on the basis of race, color, religion, sex, national origin, disability, and protected veterans’ status. In FY 2008, OFCCP completed 4,333 compliance evaluations, of which 78 were classified as having systemic violations. Further, OFCCP conducted 949 compliance assistance events for small contractors, mega-projects and construction contractors, Industrial Liaison Group events, and linkage meetings. In FY 2008, the EEOC filed 325 lawsuits and obtained a total of \$376.4 million in monetary benefits for employees. These statistics are available on the EEOC’s website at www.eeoc.gov/stats/enforcement.html. In FY 2008, the OFCCP recovered a record \$67,510,982 for a record 24,508 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 99 per cent were collected in cases of systemic discrimination – those involving a</p>
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	<p>significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The recovery amount reflects a 133 per cent increase over financial remedies obtained in FY 2001. These statistics are on OFCCP’s website at http://www.dol.gov/esa/ofccp/enforc08.pdf.</p> <p>2008 AR: According to the Government: The OFCCP annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination.</p> <p>2007 AR: According to the Government: The EEOC filed 417 lawsuits in Fiscal Year 2005. It obtained \$107.7 million in FY2005 in monetary benefits for employees. These statistics may be found on the EEOC’s website at www.eeoc.gov/stats/enforcement.html.</p> <p>2000-2006 ARs: According to the Government: the Civil Rights Division of the Department of Justice has principal responsibility for effective enforcement of federal civil rights laws. The United States Office of Special Counsel (OSC), an independent federal investigative and prosecutorial agency, is responsible for enforcing section 2302(b) of the Civil Service Reform Act (CSRA) and investigating allegations of prohibited personnel practices and other improper employment practices within its jurisdiction (generally speaking the Executive Branch). When a person is discriminated against by an employer, labor union or employment agency when applying for a job or while on the job, that person may file a charge of discrimination with the EEOC. The Board of the Office of Compliance is authorized to investigate complaints of alleged violations involving the Legislative Branch and may order certain awards provided under Title VII of the Civil Rights Act of 1964.</p>
<p>Involvement of the social partners</p>	<p>2003-2005 ARs: According to the Government: In FY 2001, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement. This necessitated a broad range of consultations with dozens of employers and workers organizations.</p> <ul style="list-style-type: none"> - Numerous federal agencies, including the EEOC, have undertaken to seek the cooperation of employers' and workers' organizations to realize the elimination of discrimination in employment and occupation. - The United States Department of Justice involves workers' and employers' organizations in the development and implementation of measures regarding the elimination of discrimination by educating such organizations. <p>The OSC involves government employees, employee representatives and other interested parties in the development and implementation of governmental measures regarding the elimination of discrimination in employment and occupation through outreach programs.</p>
<p>Promotional activities</p>	<p>Institutions to promote equality</p> <p>2013 AR: According to the Government: In Fiscal Year (FY) 2011, EEOC resolved 112,499 private sector discrimination charges and recovered a record \$364.6 million in monetary benefits for charging parties. EEOC resolved 82,980 charges under Title VII, 26,080 under the Age Discrimination in Employment Act, 1,101 under the Equal Pay Act, 27,873 under the Americans with Disabilities Act, and 211 under the Genetic Information Nondiscrimination Act. EEOC secured more than \$58 million in relief for parties who requested hearings in the federal sector process.¹⁶⁵</p> <p>During FY 2011, EEOC placed a strong emphasis on its mediation program, resulting in resolution of a record number of 9,831 employment disputes through its national private sector mediation program and over \$170 million in benefits, an increase of 469 resolutions and \$29 million from FY 2010.</p> <p>2012 AR: According to the Government: During FY 2010, the EEOC was achieving a consent decree resolving a case against a nationwide restaurant chain in which the Agency had alleged that the company engaged in a pattern or practice of discrimination against women by failing to hire and promote them into management positions and by providing them inferior job assignments, fewer training opportunities, and less opportunity for advancement. The consent decree provides a \$19 million settlement fund for approximately 3,000 class</p>

		<p>members, and requires the company to adopt objective promotion procedures to ensure that selections for the positions are gender neutral. The EEOC also successfully resolved three Title VII lawsuits against a national grocery chain, involving discrimination on the bases of race, color, national origin, and retaliation at the company’s distribution center in Colorado. The parties entered into a four-year consent decree resolving the cases for \$8.9 million, to be distributed to 168 eligible class members. Other significant recent enforcement decisions and decrees obtained by the EEOC may be accessed online at http://www.eeoc.gov/eeoc/initiatives/e-race/caselist.cfm.</p> <p>2011 AR: According to the Government: On February 18, 2010, the EEOC published a Notice of Proposed Rulemaking (NPRM) on the definition of “reasonable factors other than age” (RFOA) under the Age Discrimination in Employment Act of 1967 (ADEA). The ADEA prohibits age- based employment discrimination against individuals who are 40 or older. The NPRM follows up on an earlier EEOC NPRM and the Supreme Court decision in <i>Smith v. City of Jackson</i>, 544 U.S. 228 (2005), which held that an employment practice that has a disparate impact on older workers is discriminatory unless the practice is justified by a reasonable factor other than age. The current proposed rule emphasizes the need for an individualized, case-by-case approach to determining whether an employment practice is based on reasonable factors other than age, and clarifies that the employer bears the burden of proving the RFOA defense. Also in February 2010, the President announced the establishment of a National Equal Pay Enforcement Task Force “to improve compliance, public education, and enforcement of equal pay laws.” The Task Force, consisting of the EEOC, the Department of Justice Civil Rights Division, the Department of Labor, and the Office of Personnel Management, are tasked with enhancing the enforcement of federal equal pay laws, improving public education on wage discrimination, and gathering statistics to better understand the scope of the gender pay gap and target enforcement efforts.</p> <p>2010 AR: According to the Government: In September 2008, the Americans with Disabilities Amendments Act (ADA), Pub. L. No. 110-325, was signed into law, overturning a series of Supreme Court decisions that interpreted the Americans with Disabilities of 1990 (ADA) in a way that made it difficult to prove that an impairment is a “disability.” The new law emphasizes that the definition of disability should be construed in favour of broad coverage of individuals to the maximum extent permitted by the terms of the ADA. It also greatly enhances legal protections in employment for persons with disabilities by: broadening the definition of “disability” and prohibiting consideration of the ameliorative effects of “mitigating measures” when assessing whether an impairment substantially limits a person’s major life activities. In other legislative developments, the Genetic Information Non-discrimination Act of 2008 (GINA) was signed into law in May 2008. Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff <i>et seq.</i> GINA includes two titles. Title I addresses the use of genetic information in health insurance, generally prohibits discrimination in group premiums based on genetic information and the use of genetic information as a basis for determining eligibility or setting premiums in the individual and Medigap insurance markets, and places limitations on genetic testing and the collection of genetic information in group health plan coverage, the individual insurance market, and the Medigap insurance market. The Departments of Health and Human Services, Labor and Treasury issued interim and proposed rules implementing Title I on October 7, 2009. <i>See</i> 74 Fed. Reg. 51664. Title II prohibits the use of genetic information in employment, prohibits the intentional acquisition of genetic</p>
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		<p>information about applicants and employees, and imposes strict confidentiality requirements. GINA requires the Equal Employment Opportunity Commission (EEOC) to issue regulations implementing Title II of the Act, and a Notice of Proposed Rulemaking (NPRM) has been published under that authority. <i>See</i> 74 Fed.Reg. 9056-01 (Mar. 2, 2009). In addition, the Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, was signed into law in January 2009. The law amends the civil rights laws by providing that the 180-day statute of limitations for filing an equal pay lawsuit regarding pay discrimination resets with the issuance of each new discriminatory paycheck. The law was a response to <i>Ledbetter v. Goodyear Tire & Rubber Co.</i>, 550 U.S. 618 (2007), a Supreme Court decision holding that the statute of limitations for presenting an equal pay lawsuit begins at the date the pay was agreed upon, not at the date of the most recent paycheck, as a lower court had ruled. The new law restores the pre-<i>Ledbetter</i> position of the EEOC that each paycheck that delivers discriminatory compensation is a wrong, actionable under the federal EEO statutes regardless of when the discrimination began. Under the law, an individual subjected to compensation discrimination under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), or the ADA may file a charge within 180 days (or 300 days, if the discrimination occurred in a place that has a state or local anti-discrimination law) of any of the following: when a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; when the individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or, when the individual's compensation is affected by the application of a discriminatory compensation decision or other discriminatory practice, including each time the individual receives compensation that is based in whole or part on such compensation decision or other practice.</p> <p>2009 AR: According to the Government: The US Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In Fiscal Year 2007, the OFCCP implemented new policy initiatives and directives to provide clearer guidance for employers and more enforceable standards for OFCCP, including by clarifying the standards for investigating potential systemic compensation discrimination and expanding the categories of veterans protected by the affirmative action provisions of the Viet Nam Era Veteran's Readjustment Assistance Act of 1974. In July 2008 the US EEOC issued a new compliance manual section about workplace discrimination on the basis of religion. The new section includes a comprehensive review of the relevant provisions of Title VII of the Civil Rights Act of 1964 and the EEOC's policies regarding religious discrimination, harassment and accommodation. The EEOC also issued a companion question-and-answer fact sheet and best practices booklet. All three documents are on the EEOC's website at www.eeoc.gov.</p> <p>2008 AR: According to the Government: The US Department of Labor's OFCCP annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination. The EEOC, through the operations of 51 field offices nationwide, coordinates all federal equal employment opportunity regulations, practices,</p>
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	<p>and policies. The Justice Department's Community Relations Service is a vital component of the agency's mission to eradicate employment and occupation discrimination. The OSC protects federal employees and applicants from prohibited personnel practices, which include employment discrimination.</p>
<p>Other activities</p>	<p>2018 AR: According to the Government, on September 21, 2017, DOL's Women's Bureau awarded nearly \$1.5 million in grant funds to provide technical assistance to employers and labor unions to encourage women's employment in apprenticeable and non-traditional occupations. The grants will support four programs that: remove barriers that deter women from entering apprenticeship and non-traditional occupations; identify the major barriers certain women face in nontraditional occupations; expand pre-apprenticeship programs for women; and provide technical assistance and guidance to employers, unions, apprenticeship programs, and employment and training providers. On September 14, 2016, ODEP granted \$9,286,909 in funding to organizations working to improve employment opportunities for individuals with disabilities.²⁸ Grants that conducted activities in 2017 included:</p> <ul style="list-style-type: none"> i) Provision of \$1,098,573 in funding support to the National Disability Institute to continue the National Center on Leadership for Employment and Economic Advancement of People with Disabilities (LEAD Center), which focuses on building capacity of the workforce development system under the Workforce Innovation and Opportunity Act to provide meaningful, effective services to individuals with disabilities. ii) Provision of \$1,088,028 in funding support to the Institute for Educational Leadership to promote the National Collaborative on Workforce and Disability for Youth (Youth TA Center) Cooperative Agreement, which promotes the adoption and implementation of youth-focused policy strategies and effective practices to improve youth employment outcomes. iii) Provision of \$2.5 million in funding support to West Virginia University to manage the Job Accommodation Network, which offers expert and confidential guidance on employment disability accommodations free of charge. iv) Provision of \$950,000 in funding to the Rehabilitation Engineering & Assistive Technology Society of North America to manage the Partnership on Employment and Accessible Technology, which supports career development and accessible technology for individuals with disabilities, through FY 2019. v) Provision of \$1,802,057 for the Pathways to Careers: Community Colleges for Youth and Young Adults with Disabilities Demonstration Project, which is conducting pilot projects to research, develop, test, and evaluate innovative strategies for providing inclusive education and career development services to youth with disabilities. <p>In September 2017, ODEP and DOL's ETA also granted approximately \$13.43 million to the Cherokee Nation (Oklahoma) and five states (Colorado, Hawaii, New York, Rhode Island, and Virginia) as part of a Disability Employment Initiative to address some barriers to employment faced by individuals with disabilities. The Disability</p>

		<p>Employment Initiative funding will be used to increase accessibility to the American Job Centers, improve training for AJC staff, increase education, and develop collaborations for assisting adults and youth with disabilities. ODEP is currently funding \$1.85 million to the Employer Assistance and Resource Network for Disability Inclusion, which offers technical support in recruitment, training, hiring, and retaining employees with disabilities in the public and private sectors. In FY 2017, the EEOC received 84,254 new charges of discrimination against private employers and state and local governments. It resolved 99,109 charges – an increase of more than 1,660 over FY 2016 – and recovered \$355.6 million in monetary benefits for charging parties through mediation, conciliation, and other administrative enforcement efforts. The agency dramatically reduced the inventory of pending charges to 61,621 – a record 16.2 percent in FY 2017 as compared to FY 2016 – to the lowest pending charge inventory in ten years. During FY 2017, EEOC legal staff resolved 109 merits lawsuits and filed 184 merits lawsuits.</p> <p>2016 AR: According to the Government, in FY 2015, the Equal Employment Opportunity Commission participated in 3,700 outreach events that reached approximately 336,855 individuals nationwide. Additionally, the Commission’s fee-based programmes, which offer more in-depth programming on employment discrimination, trained 12,000 individuals at more than 140 events, including 28 Technical Assistance Program Seminars (TAPS) attended by over 5,000 participants.</p> <p>2012 AR: On April 26, 2011, the OFCCP published a Notice of Proposed Rulemaking (NPRM) seeking public comment on a proposal to strengthen affirmative action requirements of federal contractors and subcontractors for veterans protected under the Viet Nam Era Veterans.</p> <p>2011 AR: According to the Government: In December 2010, the Women’s Bureau (WB) of the Department of Labor (DOL) hosted an Equal Pay Research Summit bringing together some of the foremost experts to discuss the best approaches to data collection to better understand the scope of the pay gap and to improve enforcement efforts.</p> <p>2000-2005 ARs: According to the Government: To promote the principle regarding the elimination of discrimination in employment and occupation, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement and litigation of the laws within its jurisdiction. EO 11246 requires any employer who has a contract with the federal Government to take affirmative action to ensure that applicants are employed, and employees are treated during their employment, without regard to race, color, religion, sex, or national origin. The Government, consistent with the ADA, has introduced the New Freedom Initiative, as part of a nationwide effort to remove barriers to community living for people with disabilities. In an effort to move toward full integration of individuals with disabilities into the workforce, the New Freedom Initiative promotes compliance with the ADA by small businesses and provides resources annually for technical assistance to help small business to comply with the Act.</p>
	<p>Special initiatives-Progress</p>	<p>2018 AR: According to the Government, U.S. government agencies have undertaken a number of initiatives to promote the elimination of discrimination in employment. The EEOC continued to expand its online services to improve service to the public, streamline the administrative process, and reduce the use of paper submissions and files. In November 2017, the agency launched a Public Portal to provide online access to individuals inquiring about discrimination. This system allows individuals to electronically submit initial inquiries and requests for interviews. It also allows individuals who live or work within 100 miles of an EEOC office to submit an on-line inquiry to EEOC and schedule an intake interview. The EEOC’s online system also includes a Freedom of Information Act</p>

	<p>(FOIA) portal that allows members of the public to submit FOIA requests on-line; portals to allow federal agencies to transmit hearings and appeal files securely to the EEOC; and a portal that allows employers to receive digital notices of charges and to submit online responses, and which allows charging parties and employers to confidentially check the status of charges online. Additionally, U.S. government agencies participated in a number of interagency partnerships to promote the elimination of employment discrimination. These processes allow the government to maximize the benefit of each agency’s work to the public, avoid duplication of effort, and ensure efficient use of agency resources. Examples of interagency initiatives include the following:</p> <ul style="list-style-type: none"> i) On January 6, 2017, WHD and the EEOC entered into a Memorandum of Understanding (MOU) that provides for more sharing of information and coordination, including on investigations of discrimination in compensation and discrimination based on disability, pregnancy, or caregiving responsibilities. ii) On January 13, 2017, the Department of Health and Human Services (HHS) Office of Civil Rights and the EEOC entered into an MOU with respect to coordinating complaints of employment discrimination filed against recipients of federal financial assistance, the sharing of information and expertise between EEOC and HHS, and the coordination of investigations. iii) On January 13, 2017, WHD and DOJ IER entered into an MOU, providing for information-sharing, referrals between WHD and DOJ IER, and cross-training of agency staff. <p>In addition, in FY 2017, DOJ and the EEOC released a comprehensive report that examines barriers and promising practices – in recruitment, hiring and retention – for advancing diversity in law enforcement. The report, developed with support from the Center for Policing Equity, aims to provide law enforcement agencies, especially small and mid-size agencies, with a resource to enhance the diversity of their workforce by highlighting specific strategies and efforts in place in police departments around the country. ODEP also consulted and advised the ETA’s Office of Apprenticeship as the latter updated equal employment opportunity regulations for Registered Apprenticeship programs to help businesses reach a larger and more diverse pool of workers. As reported in previous reports, U.S. agencies have established formal partnerships with foreign embassies and consulates of countries that are major countries of origin for migrant workers. In 2016, DOJ IER signed MOUs with El Salvador, Honduras, Mexico, and Peru, to cooperate with each MOU partner in teaching employees about their employment rights and giving them resources to defend those rights. Among other things, the MOUs provide for DOJ IER training of consular staff on the INA’s anti-discrimination provisions and working to establish a system for each MOU partner to refer discrimination claims to DOJ IER.</p> <p>2016 AR: According to the Government, in September 2015, DOL’s Office of Disability Employment Policy (ODEP) and Employment and Training Administration (ETA) announced the award of \$14,911,243 in Disability Employment Initiative grant funds authorized by Section 169, subsection (b), of WIOA, to expand employment opportunities for persons with disabilities. DOL funded six cooperative agreements with state workforce agencies, ranging from \$2,427,849 million to \$2.5 million. The funds will help the state workforce agencies develop job-driven, innovative, integrated, flexible, and universally-designed service delivery strategies using existing career pathways systems and programmes.</p> <p>2015 AR: According to the Government: In September 2013, the Senate Committee on Health, Education, Labor, and Pensions published a report: “High Expectations: Transforming the American Workforce as the ADA Generation Comes of Age.” The report assesses the employment status and needs of young people with disabilities (16-34 years) and provides guidance on continuing to improve their employment situation and thereby meet the goal established in April 2011 of increasing the work force participation of disabled persons to six million by 2015.¹⁶⁶ EEOC also worked to ensure the employment rights of people with disabilities. In addition to previously mentioned actions, such as litigating 51 ADA claims and developing new Interpretive Guidance for the ADA, EEOC hosted a public symposium on disability rights in September 2013. EEOC and DOL also collaborated to host a live Twitter chat, where experts answered the public’s</p>
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questions on disability and employment in the federal government. In May 2014, ODEP announced the availability of \$15 million in grants to state workforce agencies to develop and implement new strategies to increase the participation of people with disabilities in existing career pathways programs in the public workforce system. The grants represent the fifth round of funding through the Disability Employment Initiative, a program designed to improve the employment opportunities of youths and adults with disabilities who are unemployed, underemployed, and/or receiving Social Security Disability assistance. Since 2010, the program has provided over \$81 million to programs in 26 states. In March 2014, through a joint effort by EEOC and DOJ, a plaintiff received \$125,000 in a settlement of a consolidated Title VII and Equal Pay Act claim. The plaintiff, a female art teacher, had been paid less than a male art teacher employed by the same school system even though she had superior credentials. Two weeks after she complained of the discrimination, the employer informed her that her contract would not be renewed. In June 2014, DOL's Office of Disability Employment Policy (ODEP) announced the availability of \$1.8 million in grants to manage and operate the National Employer Policy, Research and Technical Assistance Center on the Employment of People with Disabilities, which analyzes employer researcher, policies and practices related to disability employment, researches effective employer engagement strategies, and provides outreach and technical assistance to targeted employers. In June 2014, DOL's ODEP also announced the availability of \$2 million for two grants to improve post-secondary education and employment opportunities for youth with disabilities through the Pathways to Careers: Communication Colleges for Youth and Young Adults with Disabilities Demonstration Project. The grants would fund a pilot project to build the capacity of community colleges to meet the educational and career development needs of youth with disabilities.

2014 AR: According to the Government: In March 2013, EEOC issued a report addressing the obstacles that hinder equal opportunities for African-Americans in the federal workforce. The report reflects dialogues with a variety of stakeholder groups and input from leading academics. The report identified seven obstacles: (1) unconscious biases about African-Americans; (2) lack of mentoring and networking opportunities for higher-level and management positions; (3) insufficient training and development assignments that perpetuate inequalities and skills and opportunities for African-Americans; (4) narrow recruitment methods; (5) perception of widespread inequality among African-Americans; (6) educational requirements; (7) and lack of compliance with EEO regulations by federal agencies.¹⁷⁰ In January 2010, President Obama formed the National Equal Pay Enforcement Task Force, an inter-agency group dedicated to eliminating pay discrimination consisting of the Departments of Labor and Justice, EEOC, and the Office of Personnel Management. On June 10, 2013, the task force released a report marking the 50th anniversary of the Equal Pay Act. The report stated that from January 2010 through March 2013, EEOC obtained over \$78 million in relief for victims of sex-based wage discrimination, and OFCCP recovered more than \$33 million in back wages and nearly 7,000 job opportunities on behalf of over 60,000 victims of discrimination. Over the same time span, OFCCP also identified and successfully resolved over 80 cases of race- or gender-based pay discrimination, recovering \$2.5 million in back pay and salary adjustments for about 1,200 workers. The report noted that the DOJ concentrated on opening opportunities for women in higher paying law enforcement jobs and entered into settlements with police departments, correctional facilities, and other public employers where women are underrepresented in non-traditional positions.¹⁷¹ In FY 2012, EEOC participated in 3,992 no-cost educational, training, and outreach events that reached approximately 318,000 people. Additionally, EEOC's Training Institute, which offers more in-depth programming concerning employment discrimination, trained 23,119 individuals by conducting 473 events. On September 19, 2012, EEOC released videos and classroom guides for schools to educate working-age students about sexual harassment and other forms of employment discrimination. These materials help youth understand what conduct is illegal and suggest strategies to prevent and, if necessary, respond to unlawful discrimination. The video and guide are available in a free download from www.youth.eeoc.gov. In 2013, EEOC Offices in Birmingham (Alabama), Cleveland (Ohio), Dallas (Texas), Denver (Colorado), El Paso (Texas), Jackson (Mississippi), Miami (Florida), New Orleans (Louisiana), New York City (New York), Philadelphia (Pennsylvania), and Phoenix (Arizona) signed Memoranda of Understanding with Mexican Consulates in those cities, whereby EEOC agreed to provide Mexican nationals in the United States with information, guidance, and access to resources on the prevention of discrimination in the workplace, regardless of documentation status. Under these agreements, EEOC provides Spanish- language materials on the laws enforced by EEOC, and provides representatives to participate in outreach events sponsored by the Consulates. On March 20, 2012, EEOC established and announced a

	<p>Spanish-language Twitter account (@EEOCespañol) and YouTube channel to reach more workers in the United States with information on employment discrimination laws, EEOC news, and the rights of workers.</p> <p>2013 AR: According to the Government: In July 2012, OPM submitted to President Obama its “Report on the Employment of Individuals with Disabilities in the Federal Sector,” pursuant to EO 13548 and the President’s goal of hiring 100,000 people with disabilities by 2015. The report noted that at the end of FY 2011, the percentage of Federal Government employees with disabilities was the highest in 20 years. There have been further significant increases in Federal new hires of people with disabilities, including veterans, since the last fiscal year. OPM has been working with other Federal agencies to implement and improve efforts to employ workers with disabilities. In April 2012, EEOC issued a national enforcement guidance titled “Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964.”¹⁷³ The guidance clarifies and updates EEOC’s long- held position that an employer’s use of arrest and conviction records to screen applicants or employees could have a disparate impact, particularly against African-Americans or Hispanics, and may be discriminatory if not justified by a business necessity. On April 20, 2012, EEOC clarified that federal employees’ claims of discrimination based on transgender status or gender identity, are cognizable Title VII sex discrimination claims that may be adjudicated before EEOC and may give rise to claims under Title VII of the 1964 Civil Rights Act.¹⁷⁴ There are 16 states¹⁷⁵ that currently ban employment discrimination based on gender identity or expression, most recently Connecticut (H. 6599, on June 3, 2012) and Massachusetts (H. 3610, on November 23, 2011).</p> <p>2012 AR: According to the Government: The Director of the Office of Personnel Management (OPM), in consultation with the Secretary of Labor, the Chair of the EEOC, and the Director of the Office of Management and Budget (OMB), designed model recruitment and hiring strategies for agencies to facilitate employment of people with disabilities. A memorandum issued on November 8, 2010, provides recruitment, hiring, and retention strategies to assist agencies in increasing the number of individuals with disabilities in the Federal workforce through compliance with EO 13163 (issued on July 26, 2010). On May 27, 2011, OPM issued “Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace.” It is the policy of the Federal Government to treat all of its employees with dignity and respect and to provide a workplace that is free from discrimination whether that discrimination is based on race, color, religion, sex (including gender identity or pregnancy), national origin, disability, political affiliation, marital status, membership in an employee organization, age, sexual orientation, or other non-merit factors. The document provides guidance to Federal agencies to help ensure that they afford a non-discriminatory working environment to employees irrespective of their gender identity or perceived gender non- conformity.</p> <p>2011 AR: According to the Government: As a consequence of the PC/ILO meeting of May 2010, work is proceeding to update the law and practice report for US Senate consideration in the ratification process. Moreover, the EEOC continues to implement its five-year E-RACE initiative (Eradicating Racism and Colorism from Employment). The five main goals of E-RACE, to be achieved by FY 2013, are to (1) improve data collection and data analysis in order to identify, track, investigate and prosecute allegations of discrimination; (2) improve quality and consistency in EEOC’s charge processing and litigation program, and improve federal sector systems; (3) develop strategies, legal theories, and training modules to address emerging issues of race and color discrimination; (4) enhance visibility of EEOC’s enforcement efforts in eradicating race and color discrimination; and (5) engage the public, employers, and stakeholders to promote voluntary compliance to eradicate race and color discrimination. See http://www.eeoc.gov/eeoc/initiatives/e-race/goals.cfm. The EEOC also continues to implement a separate initiative to address the declining number of employees with targeted disabilities in the federal workforce. The goal for this initiative is to significantly increase the population of individuals with severe disabilities employed by the federal government, in part by educating federal hiring officials and applicants about how to use special hiring authorities for disabled workers, and increasing awareness of programs that provide assistive technology and services to people with disabilities throughout the federal government. See http://www.eeoc.gov/eeoc/initiatives/lead/index.cfm.</p> <p>Finally, Green jobs are a key driver for America’s economic recovery and its sustained economic stability. They are mostly in male-dominated occupations where wages are higher than in jobs where women are now clustered. DOL’s WB is working to ensure that women have access to these high-paying, high-demand green jobs. The WB commissioned Why Green Is Your Color: A Woman’s Guide to a Sustainable Career, to give women the information and resources they need to succeed in the developing green economy. In conjunction with the development of</p>
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		<p>the guide, which will become available in early 2011, the WB conducted seven national teleconferences in 2010 to educate organizations and workforce development professionals so they can better assist women to find green jobs training and employment. The WB also funded nine green jobs training projects around the country. Each project was to either increase the number of women in existing green jobs training programs or add a green jobs training component to existing job training programs, and the projects serve as models for preparing women for high-growth and emerging green jobs over the next decade.</p> <p>2010 AR: Adoption of new Acts concerning the principle and right (PR), such as: (i) the Americans with Disabilities Amendments Act (ADAAA), 2008; Pub. L. No. 110-325; and (ii) the Genetic Information Non-discrimination Act of 2008 (GINA), May 2008, Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff et seq.; and (xvi) the Lilly Ledbetter Fair Pay Act, January 2009, Pub. L. No. 111-2.</p>
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p> <p>NIL.</p>
		<p>Workers' organizations</p> <p>2002 AR: The ICFTU highlighted the number of sexual harassment cases, the wage gap between sexes and races, and lack of protection for migrant workers.</p> <p>2004-2005 ARs: The AFL-CIO strongly disagreed with the draft update to the report on the principle of the elimination of discrimination in employment and occupation.</p> <p>2005 AR: According to the ICFTU: discrimination is prohibited by law but does occur in practice: there is still a wage gap between men and women and between different ethnic groups; large differences exist between states with regard to labour legislation and enforcement.</p>
	<p>According to the Government</p>	<p>2019 AR: The United States pursues the elimination of discrimination in respect of employment and occupation through a combination of law enforcement, administrative action, and public outreach. To the extent that challenges persist in practice, these are addressed by means of activities and initiatives such as those described throughout this report.</p> <p>2011 AR: In FY 2010, the EEOC received the highest number of charges in its 45-year history – a total of 99,922 charges. This surge in charge receipts is due in part to the expanded statutory authorities that the EEOC has been given with the ADA Amendments Act (ADAAA) of 2008, the Genetic Information Nondiscrimination Act (GINA) of 2008, and the Lily Ledbetter Fair Pay Act of 2009 (the Ledbetter Act). Also in FY 2010, the EEOC, through its private sector administrative enforcement activities, secured more than \$319.3 million in monetary benefits, the highest level of monetary relief ever obtained by the Commission through the administrative process. Overall, the agency secured both monetary and non-monetary benefits for more than 18,898 people through administrative enforcement activities – mediation, settlements, conciliations and withdrawals with benefits. The EEOC's private sector national mediation program secured a total of 9,362 resolutions, the highest number of resolutions in the history of the program, obtaining a record \$141.9 million in monetary benefits for complainants from mediation resolutions. In FY 2010, EEOC field legal units filed 250 merits lawsuits including 159 individual suits and 92 multiple-victim suits. ("Merits" lawsuits include direct suits and interventions alleging violations of the substantive provisions of the statutes enforced by the Commission and suits to enforce administrative settlements.) Of these new filings, 192 contained claims under Title VII of the Civil Rights Act of 1964; 40 contained Americans with Disabilities Act claims; 28 contained Age Discrimination in Employment Act claims; and 2 contained Equal Pay Act claims. Legal staff resolved 285 merits lawsuits for a total monetary recovery of \$85 million. Overall, EEOC recovered \$73.9 million in Title VII resolutions, \$5.2 million in ADEA resolutions, \$2.8 million in ADA resolutions, and \$2.9 million in resolutions involving more than one statute. These statistics are available on the agency's website at http://www.eeoc.gov/eeoc/plan/2010par.cfm.</p> <p>2008 AR: According to the Government: In Fiscal Year 2006, OFCCP recovered a record \$ 51,525,235 for a record 15,273 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 88 per cent was collected in cases of systemic discrimination – those involving a</p>

		<p>significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The \$51.5 million reflects a 14 per cent increase over recoveries in Fiscal Year 2005 and a 78 per cent increase over Fiscal Year 2001.</p> <p>2000-2005 ARs: While immigration laws continue to be enforced, anti-discrimination laws will apply to unauthorized migrant workers. The EEOC has issued new guidance that provides basic remedies to this group, stating that such laws apply to all employees in the United States, regardless of citizenship or work status. Similarly, the National Labor Relations Board (NLRB) continues to treat all statutory employees as protected from unfair labor practices and entitled to vote in NLRB elections, without regard to their immigration status. The Department of Labor has also continued to apply legal protections to employees regardless of immigration status.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>NIL.</p>
	<p>Offer</p>	<p>NIL.</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of the United States, to ratify or consider ratification of Conventions No. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. However, the IDEAs noted that the United States was the only country that reports that it was not actively considering ratification of Convention No. 100. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed the United States among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labor law reform, preventive, enforcement and sanctions mechanisms and/or ratification. They also considered that the example of regular and constructive contributions by AFL-CIO should be expanded upon, in particular among other national workers' organizations, as well as employers' organizations (cf. paragraphs 13 and 190 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow the United States to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (cf. paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p>	
<p>GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director-General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p>	

2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link:http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.