



June 2016

Department of Labor Issues Final Rule Revising Sex Discrimination Guidelines for Federal Contractors

On June 14, the U.S. Department of Labor (DOL) issued the final rule updating the Office of Federal Contractor Compliance Program's regulations prohibiting discrimination on the basis of sex. The updated regulations prohibit federal contractors with contracts or subcontracts totaling \$10,000 or more within a 12-month period (absent other exemptions) from discriminating against employees with regard to pay and working conditions on the basis of pregnancy, sex-stereotypes, gender identity and transgender status.

The regulations, which have not been updated since 1970, now are consistent with current law and legal application of Title VII by other federal agencies, such as the Equal Employment Opportunity Commission, in gender equality matters. Specifically, the final rule incorporates the requirement to accommodate employees in certain circumstances based upon pregnancy, childbirth, or other medical conditions. The regulations also clarify that both mothers and fathers must be allowed to take sick and/or family leave, and that employees must be allowed to use bathrooms and other like facilities in accordance with the gender with which the employee identifies. Finally, the regulations prohibit pay discrimination and workplace harassment on the basis of sex.

The Final Rule, which also contains suggested best practices for compliance, will become effective 60 days from June 15. During this time, employers with applicable contracts should review their practices and policies to ensure that they are prepared for compliance.

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