アメリカ合衆国の Federal Contract Compliance Program（連邦政府契約遵守プログラム）について

寺尾美子

Ⅰ 大統領令 11246 号を実現するための行政機構

労働長官（11246 号によって同 Part II, Part III 実現の義務とそのために必要な規則制定権を付与される）

労働省の中に位置する OFCCP（Office of Federal Contract Compliance Programs）

Ⅱ 11246 号の概要

Part II

Sec.202 連邦政府機関との契約者 (X) の政府契約中以下のように定める所定の措置

① X は人種、宗教、性別 (11375 号により付加)、肌の色、出身国による雇用における差別を行わない。この約定の旨を各所に公示。
② X および X のために募集活動を行う際には、機会均等を宣言する。
③ 労働組合等との契約を政府との機会均等契約の通知および公示。
④ X は、11246 号およびその下に定められた規則を遵守する。
⑤ X は同号およびその下での規則によって要求される報告書の提出義務を負い、また、X の相手方たる連邦政府機関および労働長官に帳簿、記録、経理等について調査する権限を認められる。
⑥ 政府契約中の機会均等条項への違反があった場合は、契約の解除、終了、停止を受ける。
⑦ X はその請負契約者および自らが購入する物品の購入契約者との契約を締結する際に、上記内容の契約条項および、労働長官の指示する契約条項を設ける。

Sec.203 機会均等条項遵守報告書 (Compliance Report) 提出義務

労働組合（労働協議）との関係（特に職業訓練等との関係）を調整する規定

Sec.204 労働長官の例外認定規定

Sec.205-208 労働長官と各政府機関との関係を規定

連邦政府各機関の協力義務および責任者 (Compliance Officer) 任命義務

政府契約者等の機会均等契約条項違反についての申し立てを受け調査する権限

労働長官等の公聴会開催権限

Sec.209-212 制裁

氏名の公表、司法長官への通知、Title VII 違反についての EEOC への通知

政府契約の解除、今後の政府契約の対象からの排除

連邦各政府機関の調停等により契約遵守を獲得する努力義務

Part III 连邦政府の援助（補助金付与、貸し付け、政府保証等）プログラムの運営者は、その申請者に対し、当該援助を受けて当該申請者が締結する建設契約 (construction contract) 中に、Sec.202 で定められたと同様の契約条項（下請契約を含む）を設けることを条件とする。
III 労働長官等を対象とする政府契約（機会均等条項）遵守プログラムの概要

対象企業 50人以上の従業員 $50,000以上の契約 （41 CFR 60-1.7）
毎年 報告書および改善計画提出 Standard Form 100 (EEO-1)
$10,000,000以上 Preaward Compliance Evaluation 必要
★ アメリカの全労働者の3分の1がこれによってカバーされている

① 積極的差別解消プログラム（Affirmative Action Program (APP)）の書面による作成義務づけ

② 機会均等条項遵守審査 (Compliance Review)
Desk Audit（書面審査） On-Site Audit（立ち入り審査）

③ 苦情申し立てによる調査

④ 機会均等条項遵守援助

⑤ 救済方法（by 合意）退職慰労支払、雇用、先任順位銘上げ (seniority credit)、昇進行政手続（→司法省）

◆ 政府契約者に義務付けられる積極的差別解消プログラムについて

特徴：契約企業自身に、自らの組織内の機会不均等状況を分析させ、改善の方策を考えさせ、その実現を促す方式

→ 人材を均等に活用していない職域、部署等を発見、特定させる (Utilization Analysis)

労働協約や給与体系基準等により、当該企業内の職域階層制、職分等級制、機会不均等割り出しのための単位を特定させる。

分類例：officials and managers, professionals, technicians, sales workers, craftsmen (skilled and semi-skilled)

i） 機会不均等職種-職域（Underutilized Job Group）の発見

以下のような事項につき、資料を添えて数字を示させる

・ 当該業界の位置する地域の女性の失業率

・ 当該領域の女性労働者の割合

・ 当該職種に必要な職能を持つ女性労働者の数

・ 当該職種に必要な職能を持つ女性労働者のリクルート可能数

・ 企業内の昇進・配転可能な女性数

・ 職能訓練機関の存在

ii） 改善目標設定と目標達成についてのタイム・テーブル作成

→ 企業に機会均等実現のための企業自身の方針（ポリシー）を策定させ、その周知徹底を図ると共に、方針実現のためのモニタリング機構・手続を整備させる

i） 社長による方針の発表とその周知徹底

社のマニュアルへの記載、社内新聞での広報、管理職研修・新入社員研修等各種研修の実施、労働協約等への盛り込み、自社製品の宣伝広告に職員を登場させる場合には、女性・マイノリティを含める etc.

ii） 取締役を社の機会均等プログラム責任者として任命

責任者の与えられるべき権限および義務

iii） 社内の問題領域（problem area）の発見と社員による内部監査システムの構築
性差別についてのガイドライン（Ch.60-20）

- 募集について
- 不差別方針の周知
- 保険、年金、福祉プログラム等の給与外便益における差別的取扱いの禁止
- 既婚者を未婚者と区別する場合は、男女ともに同じ扱いをしなければならない
- 児童の親であることに関して区別する場合は男女とも同じ扱いをしなければならない
- 女子用の施設の不存を理由として就職配転等において差別をしてはならない
- 未成年労働者保護法を理由として差別的取扱いをしてはならない
- 休職についての差別の取扱いの禁止
- 定年についての差別的取扱いの禁止

etc.
Equal Employment Opportunity is THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA, SPECIAL DISABLED, RECENTLY SEPARATED, AND OTHER PROTECTED VETERANS


Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 693-0101, or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payments of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 669-6820.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is promotion of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.
The QSO EBLANK COPY OF THE E Survey
Access our online survey to complete and return for submission.

THE E Survey ELECTRONICALLY ON THE WEB?

DID YOU KNOW YOU CAN SUBMIT

The Department of Labor, Office of Federal Contract Compliance Programs,

HOW TO SUBMIT THE E Survey:

Review the E Survey electronically or by phone or fax.

INSTRUCTIONS:

If you need another blank copy of the E Survey:

You should receive a copy of our completed E Survey. This will direct any questions we may have with regard to our completed E Survey. You should return a copy of our completed E Survey.

For further information or assistance, please call 1-800-338-7077.

To complete the E Survey online, you may use a computer, laptop, tablet, or smartphone with an internet connection. The survey consists of multiple-choice questions and requires you to enter your name, company, and other identifying information. Once you have completed the survey, you will receive a confirmation email.

What MUST YOU COMPLETE THE E Survey?

The E Survey is required to comply with Executive Order 13754, which sets forth federal contracting requirements for non-disparagement and non-revocation of workers.

For more information, visit the Department of Labor’s Office of Federal Contract Compliance Programs website at ooc.gov.
PART A - GENERAL INFORMATION

of Federal Contractor Establishments!

Office of Federal Contract Compliance Programs
U.S. Department of Labor
<table>
<thead>
<tr>
<th>Category</th>
<th>Male</th>
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<tbody>
<tr>
<td>Factory Workers</td>
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<tr>
<td>Service Workers</td>
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<td></td>
</tr>
<tr>
<td>Laborers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Craftsmen</td>
<td></td>
<td></td>
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<tr>
<td>Clerical</td>
<td></td>
<td></td>
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<tr>
<td>Office and Sales Workers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
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<td></td>
</tr>
<tr>
<td>Officials and Managers</td>
<td></td>
<td></td>
</tr>
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</table>

- The following personnel activity covers the most recent calendar year, which is not January 1 through December 31.
- The following personnel activity covers the most recently completed calendar year.

**PART B - PERSONNEL ACTIVITY BY EEO 1 CATEGORY - APPLICATIONS**
<table>
<thead>
<tr>
<th>ERROR</th>
<th>WORKERS</th>
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<td>Male</td>
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<td>Male</td>
</tr>
<tr>
<td>LABORERS</td>
<td>OPERATIVE</td>
<td>WORKERS</td>
</tr>
<tr>
<td>CRAFT</td>
<td>OFFICE AND</td>
<td>SALE WORKERS</td>
</tr>
<tr>
<td>OFFICIAL</td>
<td>PROFESSIONAL</td>
<td></td>
</tr>
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</table>

For Time Frame as Specified on Page 5 in Part B of This EO Survey

PART B - PERSONNEL ACTIVITY BY EEO 1 CATEGORY - HIRE

Page 6 of 12
<table>
<thead>
<tr>
<th>Occupation</th>
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</thead>
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<tr>
<td>Craft Workers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Service workers</td>
<td></td>
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</tr>
<tr>
<td>Professionals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Managers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Time Frame asSpecified on Page 5 in Part B of this EO Survey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation</td>
<td>Gender</td>
<td>Race</td>
</tr>
<tr>
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<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>SERVICE WORKERS</td>
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<td>White</td>
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<td>LABORERS</td>
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<tr>
<td>OPERATIVES</td>
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<td>Hispanic</td>
</tr>
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<td>CRAFT WORKERS</td>
<td>Female</td>
<td>Asian</td>
</tr>
<tr>
<td>OFFICE AND ADMIN.</td>
<td>Male</td>
<td>Native American</td>
</tr>
<tr>
<td>SALES WORKERS</td>
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<td>Black</td>
</tr>
<tr>
<td>TECHNICIANS</td>
<td>Female</td>
<td>Hispanic</td>
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<td>PROFESSIONALS</td>
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<td>White</td>
</tr>
<tr>
<td>MANAGERS</td>
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<td>Hispanic</td>
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For Time Frame as Specified on Page 5 in Part B of this EO Survey
<table>
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<th>Occupation Category</th>
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<th>Race/Ethnicity</th>
<th>Hispanic Origin</th>
<th>Language</th>
<th>Education Level</th>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Female</td>
<td></td>
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</tr>
<tr>
<td>Service Workers</td>
<td>Female</td>
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<td>African</td>
<td>English</td>
<td>Bachelor</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
</tr>
<tr>
<td>Laborers</td>
<td>Female</td>
<td>White</td>
<td>African</td>
<td>English</td>
<td>Bachelor</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
</tr>
<tr>
<td>Operatives</td>
<td>Female</td>
<td>White</td>
<td>African</td>
<td>English</td>
<td>Bachelor</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
</tr>
<tr>
<td>Craft Workers</td>
<td>Female</td>
<td>White</td>
<td>African</td>
<td>English</td>
<td>Bachelor</td>
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<tr>
<td>Male</td>
<td></td>
<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
</tr>
<tr>
<td>Clerical Office and</td>
<td>Female</td>
<td>White</td>
<td>African</td>
<td>English</td>
<td>Bachelor</td>
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<td>Male</td>
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<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
</tr>
<tr>
<td>Sales Workers</td>
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<td>African</td>
<td>English</td>
<td>Bachelor</td>
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<td>Asian</td>
<td>American</td>
<td>English</td>
<td>Associate</td>
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<tr>
<td>Professionals</td>
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<td>African</td>
<td>English</td>
<td>Bachelor</td>
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<tr>
<td>Male</td>
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<tr>
<td>Managers</td>
<td>Female</td>
<td>White</td>
<td>African</td>
<td>English</td>
<td>Bachelor</td>
</tr>
</tbody>
</table>

For Time Frame as Specified on Page 6 in Part B of this GO Survey.

PART B - PERSONAL ACTIVITY BY EEO-1 CATEGORY - FULL TIME EMPLOYEES AT END OF YEAR (CUMULATIVE OR ADP)
WHAT TO REPORT - ANNUAL MONETARY COMPENSATION:

In order for your EEO Survey to be considered a valid submission, all of the following EEO-1 categories and data must be reported for the "Full Time Employees at End of Calendar Year" column in Part B of the EEO Survey and in the "Full Time Employees at End of Calendar Year" column of the annual report.

- EEO-1 Categories (Title VII, Age Discrimination, Handicapped, Race, Disability, National Origin, Sex, Equal Pay Act, Pregnancy, Race, Religion, National Origin, Veteran Status, Citizenship Status)
- Total Annual Monetary Compensation for all full-time employees
- Full Time Employees at End of Calendar Year
- Full Time Employees at End of Calendar Year (excluding part-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation and employees who are not regular full-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance or non-disclosure)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance, non-disclosure, or non-disclosure or non-compliance)

WHAT TO REPORT - EMPLOYEE COUNT:

In order for your EEO Survey to be considered a valid submission, all of the following EEO-1 categories and data must be reported for the "Full Time Employees at End of Calendar Year" column in Part B of the EEO Survey and in the "Full Time Employees at End of Calendar Year" column of the annual report.

- EEO-1 Categories (Title VII, Age Discrimination, Handicapped, Race, Disability, National Origin, Sex, Equal Pay Act, Pregnancy, Race, Religion, National Origin, Veteran Status, Citizenship Status)
- Full Time Employees at End of Calendar Year
- Full Time Employees at End of Calendar Year (excluding part-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation and employees who are not regular full-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance or non-disclosure)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance, non-disclosure, or non-disclosure or non-compliance)

WHAT TO REPORT - EMPLOYEE COMPENSATION:

In order for your EEO Survey to be considered a valid submission, all of the following EEO-1 categories and data must be reported for the "Full Time Employees at End of Calendar Year" column in Part B of the EEO Survey and in the "Full Time Employees at End of Calendar Year" column of the annual report.

- EEO-1 Categories (Title VII, Age Discrimination, Handicapped, Race, Disability, National Origin, Sex, Equal Pay Act, Pregnancy, Race, Religion, National Origin, Veteran Status, Citizenship Status)
- Full Time Employees at End of Calendar Year
- Full Time Employees at End of Calendar Year (excluding part-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation and employees who are not regular full-time employees)
- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance)
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- Full Time Employees at End of Calendar Year (excluding part-time employees and employees with non-monetary compensation, employees who are not regular full-time employees, and employees who are not reported due to non-compliance, non-disclosure, or non-disclosure or non-compliance)
### Table: Employee Composition by Gender

<table>
<thead>
<tr>
<th>Year</th>
<th>Service</th>
<th>Laborers</th>
<th>Operators</th>
<th>Craft Workers</th>
<th>Clerical</th>
<th>Office and Sales Workers</th>
<th>Technicians</th>
<th>Professionals</th>
<th>Managers</th>
<th>Official and Support Staff</th>
</tr>
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#### Notes:
- Employees listed in "Full Time Employees at End of Year (Calendar or AAP)" on Page 9 in Part B of this EO Survey.
- Annual Monetary Compensation and Tame Data by EEO-1 Category for.

#### Part C: Compensation Data by EEO-1 Category