



Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

Opening Statement of Chair Suzanne Bonamici (OR-01)

Subcommittee on Civil Rights & Human Services Protections Hearing

Examining the Policies and Priorities of the Equal Employment Opportunity Commission (EEOC)

and the Office of Federal Contract Programs (OFCCP)

2175 Rayburn House Office Building

Thursday, September 19, 2019 at 2:00 p.m.

Today's hearing will examine the policies and priorities of the Equal Employment Opportunity Commission, or the E-E-O-C, and the Office of Federal Contract Compliance Programs, or the O-F-C-C-P.

These are the two primary agencies responsible for combatting workplace discrimination and harassment, and their oversight is as necessary today as ever before. Today, the median Black worker earns only 75 percent of the wage earned by the median white worker. One in four LGBTQ workers reports experiencing some form of discrimination in the workplace. And more than 60 percent of workers over the age of 45 reporting seeing or experiencing age discrimination in the workplace.

My home state of Oregon has one of the most rapidly aging populations in the country, and I have heard from workers, particularly those in the technology industry, who believe they have been dismissed from or denied employment because of their age. The technology sector is one of the fastest growing sectors of our economy, and the lack of racial, ethnic, and gender diversity is particularly noteworthy. In 2017, the Government Accountability Office found that women hold only 19 percent of senior officer and manager positions. Representation is similarly low for Asian, Hispanic, and Black workers.

Our workforce is becoming increasingly diverse, and yet women, people of color, older workers, workers with disabilities, and LGBTQ workers are still experiencing persistent discrimination in the workplace including, pay disparities, limited opportunities, and harassment.

The EEOC was established more than 50 years ago under the Civil Rights Act. It enforces the federal laws that prohibit workplace discrimination based on race, religion, sex, national origin, age, disability, or genetic information. OFCCP's mission is to protect federal contractors and subcontractors, promote diversity through affirmative action, and enforce anti-discrimination laws for companies receiving taxpayer dollars.

It is the responsibility of both agencies to help protect workers from discrimination. Unfortunately, we have seen both the EEOC and the OFCCP take actions that further the Trump Administration's efforts to undermine and roll back civil rights protections.

We should be doing everything we can to promote fairness in the workplace. But the Trump Administration seems to be taking us backward, not forward, in this important effort. The President's Fiscal Year 2019 budget proposed a 13 percent cut to OFCCP, and his Fiscal Year 2020 budget proposed a nearly \$24 million cut to the EEOC's budget. These drastic cuts send a clear message about the value, or lack thereof, this Administration places on the protection of civil rights, and that message has been reiterated through its policy decisions.

In 2017, the Administration took the extraordinary step of filing an amicus brief in direct opposition to the EEOC in a case regarding the sexual orientation and gender identity protections under Title VII of the Civil Rights Act.

The EEOC appears to be adopting the Administration's lax approach to workplace discrimination. The Commission has not filed any new cases of sex-based discrimination related to gender identity or sexual orientation since September 2017. And although it cleared the notorious case backlog, its ability to do so while employing fewer people raises serious questions about how rapidly cases are being closed.

And most recently, many of us were dismayed by EEOC's announcement that it would stop collecting pay data that would help the EEOC and OFCCP staff identify and address pay disparities based on gender, race, and ethnicity. In 2016, the EEOC stated that the expanded pay data collection was necessary for the enforcement of Title VII, Executive Order 11246, and the Equal Pay Act. The decision to end the collection of pay data is an unrepresented setback for the enforcement of civil rights laws.

With respect to OFCCP, the Administration's record is not much better. In July, Politico reported that from Fiscal Year 2017 to Fiscal Year 2018, the OFCCP conducted, on average, 977 compliance evaluations per year — about one quarter the rate during the Obama Administration. The same reporting found the agency has investigated only nine percent of the discrimination complaints received, compared to 21 percent under the Obama Administration.

Additionally, in August, the Department of Labor issued a new proposal to dramatically broaden the ability of federal contractors to use religion as a basis to discriminate in hiring. This will open the door to federal contractors discriminating against LGBTQ individuals, people of color, women, or even those with varying religious beliefs, upending the government's compelling interest in preventing the use of taxpayer funds to perpetuate otherwise unlawful discrimination.

During today's hearing we will explore the rollback of these civil rights protections. As our workplace becomes increasingly diverse, we need the EEOC and OFCCP to get back on track.

I want to thank all the witnesses for their time today, and I yield to Ranking Member Comer for his opening statement.

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