

Current Administration Considers EEOC And Labor Department Subagency Merger

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The Trump administration is reportedly considering a potential merger between the Equal Employment Opportunity Commission (EEOC) and a Labor Department subagency that enforces nondiscrimination requirements and affirmative action on government contractors. The recommendation to merge the two entities originated from The Heritage Foundation, a Washington-based conservative research think tank. In its report, “Blueprint for Reform: A Comprehensive Policy Agenda for a New Administration in 2017,” The Heritage Foundation previously called for a complete phasing out of the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP), posturing that the agency was not necessary because it was duplicative of the EEOC. Even though the EEOC and the OFCCP overlap in their workers’ protection initiatives, they nonetheless differ on certain protections they offer. On the one hand, the EEOC enforces Title VII of the 1964 Civil Rights Act, which prohibits discrimination based on race, sex, religion, color and national origin. On the other hand, the OFCCP enforces Executive Order 11246, which prohibits workplace bias based on the same categories as Title VII and also includes sexual orientation and gender identity. Even though the EEOC has asserted that Title VII’s prohibition against sex discrimination includes sexual orientation and gender identity bias, this issue has not been resolved in the federal courts. Nonetheless, pundits say the following factors point to the possibility of a merger:

1. President Trump’s March 2017 executive order calling for a government-wide review to determine where federal programs can be eliminated or modified to save costs. Within 180 days of the March order, the head of each agency was asked to provide the administration with a plan to reorganize their agency.
2. The Office of Management and Budget directed various agencies in April to look at their budgets in terms of the president’s 2018 budget, which proposed a 21 percent cut for the Department of Labor.

Stakeholders are not in favor of merging the two enforcement agencies they reportedly say, partly because a merger would give the EEOC a great amount of power over contractors, which might not be in employers’ best interests. Various civil rights groups also dispute that the two agencies are redundant. Stay tuned for further developments regarding this possible merger.

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