



March 22, 2010

Equal Employment Opportunity Commission  
131 M Street NE  
Washington, DC 20002  
[Public.Comments.RegulatoryReview@eoc.gov](mailto:Public.Comments.RegulatoryReview@eoc.gov)

Re: Equal Employment Opportunity Commission retrospective analysis of significant regulations pursuant to Executive Order 13563

Dear Sir/Madam,

On behalf of the nearly 100,000 bipartisan members and donors of the American Association of University Women (AAUW), I am pleased to share AAUW's comments on the Equal Employment Opportunity Commission's plan for retrospective analysis of significant regulations pursuant to Executive Order 13563, which directs each federal agency to develop "a preliminary plan, consistent with law and its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives."<sup>1</sup> Since its founding in 1881, AAUW has been breaking through barriers for women and girls, and is committed to "oppos(ing) all forms of discrimination and support(ing) constitutional protection for the civil rights of all individuals."<sup>2</sup>

AAUW supports the administration's effort to enable the EEOC to achieve its regulatory objectives more effectively. Therefore, we urge the EEOC to finalize a number of proposed rules and to issue new or revised regulations in a number of areas. However, we would like to remind the EEOC that all the current regulations it will review have already been reviewed and approved by the Office of Budget and Management. Civil rights protections that Americans depend on should not be subjected to further cost-benefit analysis.

**The EEOC should issue new regulations to collect compensation data from employers.** Just as the EEOC currently collects non-wage, demographic data about employers' workforces in EEO Reports, the EEOC should collect wage data to improve efforts to combat wage discrimination. With U.S. Census Bureau and Bureau of Labor statistics showing the persistent wage gap between men and women, with women who work full time earning about 77 cents for every dollar men earn, this data collection is more important than ever.<sup>3</sup> Additionally, AAUW supports the reinstatement of the Equal Opportunity Survey, to enable targeting of the Department of Labor's enforcement efforts by requiring all federal contractors to submit data on their employment practices such as hiring, promotions, terminations, and pay, and encourages EEOC to work with the Office of Federal Contract Compliance Programs to monitor wage discrimination.

**The EEOC should issue guidance on the permissibility of gender-based affirmative action.** In 2008, only 6.2 percent of corporate officers in *Fortune 500* companies were women.<sup>4</sup> In addition, even though women-owned firms represent nearly 40 percent of all businesses in the United States, these firms obtain a mere 3.4 percent of federal

government contracts.<sup>5</sup> AAUW believes that affirmative action programs have begun to break down the barriers that confront women and in employment, and these programs remain essential to ensure equal access to all professions at all levels through recruitment, outreach, and training. EEOC should issue guidance on gender-based affirmative action, clarifying many of the recent questions raised about its applicability.

**The EEOC should increase staff training to assess possible systemic wage discrimination.** A key provision of the House-passed Paycheck Fairness Act would have authorized additional training for EEOC staff to better identify and handle wage disputes and aided in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees. The bill would also require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, and conducting and promoting research about pay disparities between men and women. AAUW encourages EEOC to undertake this training and data collection.

**The EEOC should better publicize protections against pregnancy and caretaker discrimination.** Claims alleging discrimination for pregnancy or caretaker responsibilities have been on the rise in recent years, and AAUW believes EEOC should better educate employees and employers about this protection. With more than 72 million women in the labor force,<sup>6</sup> claims are likely to increase as more workers seek protection.

Thank you for the opportunity to submit comments on this important issue. I look forward to working with you to EEOC's regulatory review process. If you have any questions, please feel free to contact me at 202-785-7720, or Beth Scott, regulatory affairs manager, at 202-728-7617.

Sincerely,



Lisa M. Maatz  
Director, Public Policy and Government Relations

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<sup>1</sup> The Federal Register. (January 21, 2011). *Improving Regulation and Regulatory Review*; 76 Fed. Reg. 3821. Retrieved March 21, 2011, from <http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf>

<sup>2</sup> AAUW. (June 2009). *2009-11 AAUW Public Policy Program*. Retrieved March 21, 2011, from [http://www.aauw.org/advocacy/issue\\_advocacy/principles\\_priorities.cfm](http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm).

<sup>3</sup> U.S. Census Bureau. (2010). *Income, Poverty, and Health Insurance Coverage in the United States: 2009, Table A-4*. Retrieved February 25, 2011, from [www.census.gov/prod/2010pubs/p60-238.pdf](http://www.census.gov/prod/2010pubs/p60-238.pdf) [www.census.gov/prod/2009pubs/p60-236.pdf](http://www.census.gov/prod/2009pubs/p60-236.pdf).

<sup>4</sup> Catalyst. (2008). *Census of Women Corporate Officers and Top Earners of the Fortune 500*. Retrieved February 15, 2011, from <http://www.catalyst.org/publication/283/2008-catalyst-census-of-women-corporate-officers-and-top-earners-of-the-fortune-500>.

<sup>5</sup> Center for Women's Business Research (September 2008). *Key Facts about Women-Owned Businesses*. Retrieved February 15, 2011, from [www.nfwbo.org/facts/index.php](http://www.nfwbo.org/facts/index.php); Women Impacting Public Policy (October 2008). *Economic Blueprint: The Women's Business Owners' Platform for Growth*. Retrieved February 15, 2011, from [www.wipp.org/resource/resmgr/Docs/EconomicBlueprintInauguralEd.pdf](http://www.wipp.org/resource/resmgr/Docs/EconomicBlueprintInauguralEd.pdf).

<sup>6</sup> U.S. Department of Labor, Women's Bureau. (2009). *Quick Stats on Women Workers, 2009*. Retrieved February 28, 2011, from [www.dol.gov/wb/stats/main.htm](http://www.dol.gov/wb/stats/main.htm).