

# Executive Branch Actions to Promote Gender Equity in the Private Sector

**Recommendations from the National  
Partnership for Women & Families**

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## Opening

The executive branch can play an essential role in influencing, regulating and rewarding employer practices to improve workplace gender equity, safety and opportunity. Alongside legislative priorities, the next administration must pursue a range of executive actions to strengthen economic and health outcomes for all working people. The administration should focus on women and people of color who have been harmed by centuries of sexism, racism and disenfranchisement and who have been disproportionately devastated by the economic and health effects of the COVID-19 pandemic. The current recession is deepening economic crises, including historic income inequalities and wealth gaps, housing and food insecurity, and the rising costs of healthcare, child care and higher education. In order to build the economy back better, the administration must also center the needs of essential and frontline workers, workers paid low wages, workers who lost or had to leave their jobs, those facing intersecting forms of discrimination, and those with health or caregiving responsibilities.

These recommendations are focused on improving gender equity in the private sector through a range of administrative actions. Given the COVID-19 pandemic's profound impact on certain industries and the broader economy, many of these recommendations also serve to strengthen the labor market and stabilize the economy through equitable practices and investments. Employers largely determine the culture of the workplace, conditions of employment and compensation of their workers. The executive branch will need to hold the private sector accountable through clear legal guidance and enforcement while finding shared priorities and common ground to advance workplace equity and job quality for all.

The current administration rolled back critical workplace protections and weakened enforcement, and its policies have had a devastating impact on workers. The next administration must immediately enforce existing labor and civil rights laws to protect millions of working people while building toward stronger policies and practices. To improve private sector gender equity, we recommend complementary strategies to increase accountability and transparency, protect and expand workers' rights, promote worker power, provide technical assistance to employers, reward high-road employers, and boldly change culture and practices around gender equity, workplace fairness and family-friendly policies. We also recommend that the executive branch implement more equitable and family-friendly policies to make it an employer of choice, which will benefit its significant workforce and help advance standards in the private sector. Finally, we urge the next administration to prioritize fully staffing the executive branch to ensure education, outreach and enforcement are resumed quickly and carried out effectively – and to do so with a focus on diversity in all roles, including in leadership. We welcome the opportunity to discuss these recommendations in greater detail.

# Priority Recommendations: Top 10 Executive Branch Actions to Promote Gender Equity in the Private Sector

1. **Equal Employment Opportunity Commission (EEOC) Pay Data Collection Components 1 and 2:** Resume the collection and utilization of the EEO-1 Component 1 data collection and discontinue any legal action by the Trump administration to overturn judicial rulings in favor of the data collection. Direct the EEOC to collect information on pay gaps by race, ethnicity and gender in their annual EEO-1 filings under Component 2.
2. **Minimum Wage and Overtime Protections:** Amend Executive Order 13658 to raise the minimum wage for all workers on federal construction and service contracts to \$15 per hour and eliminate the subminimum wage for tipped workers. This increased wage rate should be implemented in the subsequent round of contracts, and it should thereafter be indexed to median wage growth and increased accordingly on an annual basis. The minimum wage for federal contract workers should always be *at least* 10% more than the federal minimum wage. Initiate federal rulemaking to raise the overtime salary threshold below which workers are eligible for overtime pay for the executive, administrative and professional exemption under the Fair Labor Standards Act (FLSA).
3. **Workers' Safety During COVID-19:** Issue an emergency temporary standard to ensure workers' rights to protections from COVID-19 in the workplace for all workers. For all workers under the standard who must not report to work because they are required to quarantine (due to exposures or infections) the employer must provide up to two weeks of paid reassignment or sick leave in addition to whatever benefits the worker would otherwise be entitled to. (Such leave should be provided at 40 hours per week for full-time employees and on a pro-rata basis for part-time employees.) Take action to make this standard permanent and strengthen existing infectious disease standards.
4. **Outreach on Paid Sick Days Executive Order.** In light of the COVID-19 pandemic, launch a campaign to educate federal contractors and workers about Executive Order 13706 (the paid sick days executive order). Ensure robust enforcement.

5. **Workplace Accommodations for Pregnant People:** Sign the Pregnant Workers Fairness Act (PWFA) (329-73), which passed the House of Representatives in September and has not yet been introduced in the Senate. Until passage, encourage private sector employers to provide accommodations to pregnant workers and direct the Office of Federal Contract Compliance (OFCCP) to modify sex discrimination guidelines to mirror the PWFA for federal contractors.
6. **EEOC Harassment Guidance:** Issue updated guidance on harassment in the workplace under Title VII, the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA) that has been held up by the Office of Management and Budget (OMB) or rescind and replace any problematic guidance issued by the Trump administration. Include that harassment can be based on sexual orientation and gender identity following the decision in *Bostock v. Clayton County*.
7. **Caregiver Discrimination Guidance:** Update the caregiving guidance to include discussion of disparate impact discrimination, including adding a discussion of how scheduling practices might have a disparate impact on workers with family care responsibilities and develop cases where a disparate impact theory is viable.
8. **Federal Contractor Trainings:** Issue executive order revoking Sept. 22, 2020, executive order "Combatting Sex and Race Stereotypes" that disallowed federal contractors from conducting training that, among other things, includes references to white privilege and systemic racism. Dismantle the corresponding OFCCP webpage and hotline.
9. **Full Staffing of Civil Rights and Labor Enforcement Agencies:** Strengthen government-wide civil rights enforcement agencies, departments and mechanisms by providing increased resources and staffing to ensure robust enforcement actions against all forms of unlawful discrimination. Restore and expand staffing levels and install new leadership at key labor enforcement agencies, prioritizing individuals with expertise in protecting and promoting gender and racial equity and the rights of working people.
10. **Address Harmful Rules, Regulations and Executive Orders:** The current administration has used its authority to roll back labor and civil rights protections, weaken enforcement and advance harmful actions. The full list of recommendations outlines the important and urgent actions that a new administration can take to revoke and rescind harmful rules, regulations and EOs and restore and expand critical civil rights and labor protections.

# Full Recommendations: Executive Branch Actions to Promote Gender Equity in the Private Sector

## I. Executive Orders

### Interagency

- Revoke Executive Order 13981, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” and Executive Order 13982, “Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication.”

### Office of Federal Contract Compliance Programs

- Amend Executive Order 13658 to raise the minimum wage for all workers on federal construction and service contracts to \$15 per hour and eliminate the subminimum wage for tipped workers. This increased wage rate should be implemented in the subsequent round of contracts, and it should thereafter be indexed to median wage growth and increased accordingly on an annual basis. The minimum wage for federal contract workers should always be *at least* 10% more than the federal minimum wage.
- Issue executive order revoking Sept. 22, 2020, executive order “Combatting Sex and Race Stereotypes” that disallowed federal contractors from conducting training that, among other things, includes references to white privilege and systemic racism. Dismantle the corresponding OFCCP webpage and hotline.
- Issue an executive order prohibiting federal contractors from relying on job applicants’ salary history information to set their compensation and requiring employers to disclose pay ranges and information related to salary setting for a position at the time of hire and at an employee’s request.
- Amend Executive Order 11246 (as amended by 11375) to add family status and caregiver status as protected characteristics.
- Issue an executive order requiring federal contractors to take various actions specified in the [EMPOWER Act](#) and [BE HEARD in the Workplace Act](#), including prohibiting the use of mandatory arbitration and pre-dispute non-disparagement and nondisclosure agreements in employment agreements and ending the practice of companies using tax deductions to write off legal fees associated with workplace harassment settlements.
- Consider putting rewards in place for “high-road” federal contractors that provide key gender equity and family-sustaining policies. Explore creating preferences in the

federal contracting process for bidders who voluntarily implement policies and procedures and offer benefits that promote gender equity. This could include the requirements above, unless and until they are required – as well as the following:

- Provide paid family and medical leave for serious illnesses and to care for a new child, a loved one with a serious medical condition, and for certain military caregiving and leave purposes in line with the duration and coverage of the Family and Medical Leave Act (FMLA);
  - Provide child and elder care subsidies;
  - Provide workers with input and predictability in their work schedules, including two weeks' advance notice and compensation for schedule changes within the notice period;
  - Ensure equitable treatment for part-time workers, including pay parity with their full-time counterparts and access to additional hours;
  - Prohibit mandatory arbitration and pre-dispute nondisclosure agreements as a condition of employment;
  - Offer insurance coverage for comprehensive reproductive health care, including contraception and abortion care;
  - Provide quality, affordable retirement savings plan options;
  - Provide private space to all workers who are nursing, including workers who are exempt under the FLSA.
- Consider holding “low-road” federal contractors accountable for violating labor and civil rights laws by publicizing data on labor law violations by federal contractors and banning repeated labor rights violators from federal contract dollars.

## II. Agency Actions

### Interagency

- Prior to publication of a “high-road” federal contractor executive order, publish a memorandum emphasizing each agency’s responsibility for securing quality, responsible federal contractors for all procurement bids, prioritizing contracts with high-road employers that provide safe and equitable workplaces, living wages and quality benefits in addition to considering the bid price.
- Strengthen government-wide civil rights enforcement agencies, departments and mechanisms (including Equal Employment Opportunity Commission, OFCCP, Department of Justice Civil Rights Division and other agencies’ civil rights departments) by providing increased resources and staffing to ensure robust enforcement actions against all forms of unlawful discrimination.

- Restore and expand staffing levels and install new leadership at Occupational Safety and Health Administration (OSHA), OFCCP and Wage and Hour Division (WHD) and other key labor enforcement agencies, including EEOC and National Labor Relations Board (NLRB), prioritizing individuals with expertise in protecting and promoting gender and racial equity and the rights of working people.
- Rescind Trump administration Department of Health and Human Services (HHS), Department of Labor (DOL) and Department of the Treasury rulemaking on “religious and moral exemption” to Affordable Care Act (ACA) birth control coverage requirement.

### Department of Labor

- Develop robust worker outreach and education initiatives in partnership with unions and worker organizations about federal labor law, enforcement measures, and options for reporting violations, ensuring language access. Include resources specifically addressing the rights of immigrant workers. Prioritize outreach to vulnerable workers, workers paid low wages, workers of color and immigrant workers. Consider use of regional or industry coordinators.
- Issue guidance to clarify that “retaliation” under the FLSA, FMLA and other laws includes reporting or threatening to report any person’s actual or perceived immigration status to immigration officials.
- Reinststitute the White House Equal Pay Task Force, including DOL, EEOC and DOJ.
- Decline to appeal the decision partially invalidating the “Joint Employer Status Under the Fair Labor Standards Act” rule, and rescind the rule in its entirety.
- Rescind DOL’s independent contractor regulations.
- In developing and expanding jobs and training programs, target job types and industries that disproportionately employ women and people of color and prioritize workers displaced by and industries most impacted by COVID-19.

### DOL Wage and Hour Division

- In light of the COVID-19 pandemic, launch a campaign to educate federal contractors and workers about Executive Order 13706 (the paid sick days executive order). Ensure robust enforcement.
- Initiate federal rulemaking to raise the overtime salary threshold below which workers are eligible for overtime pay for the executive, administrative and professional exemption under the FLSA.
- Address widespread worker misclassification as independent contractors, including in industries like janitorial or housecleaning services, food service, child care, hospitality, call centers, ridesharing, in-home care and garment production, through rigorous investigation, enforcement and partnerships with unions and worker

organizations. Use new and existing DOL resources to educate workers about misclassification.

- Suspend action on proposed rules or guidance under development or not yet finalized:
  - DOL Tip Rule: Proposed Rulemaking re: Tip Regulations under the Fair Labor Standards Act
  - DOL interpretive regulation on worker classification
- Simplify FMLA regulations around the definition of “serious health condition” by eliminating complex requirements around the timing and number of treatments.
- Conduct robust outreach and education for employers and employees explaining federal FMLA rights and requirements and state FMLA expansions.

### **DOL Employee Benefits Security Administration**

- Reverse Trump administration’s “Financial Factors in Selecting Plan Investments” rule, which prohibits retirement plan fiduciaries from addressing a range of investment risks by narrowly defining the role of investors and restricting investor choice.

### **DOL Occupational Safety and Health Administration**

- Issue an emergency temporary standard to ensure workers’ rights to protections from COVID-19 in the workplace for all workers. For all workers under the standard who must not report to work because they are required to quarantine (due to exposure or infection) the employer must provide up to two weeks of paid reassignment or sick leave in addition to whatever benefits the worker would otherwise be entitled to. (Such leave should be provided at 40 hours per week for full-time employees and on a pro-rata basis for part-time employees.) Take action to make this standard permanent and strengthen existing infectious disease standards.

### **DOL Office of Federal Contract Compliance Programs**

- After EEO-1 pay data collection is re-reinstated, reestablish use of it in enforcement of nondiscrimination provisions for federal contractors.
- Consider requiring equal pay certification and/or public wage and demographic disclosure requirements.
- Institute labor compliance officers in each federal agency’s procurement office to proactively oversee active contracts.
- Create a Federal Contractor Diversity, Equity & Inclusion resource center at OFCCP to share best practices with federal contractors on issues of diversity and inclusion; employee recruitment and retention; supporting working caregivers; promoting

recruitment and promotion pathways for women and people of color; and implementing evidence-based diversity and implicit bias training.

- Modify sex discrimination regulations to explicitly prohibit discrimination based on sexual orientation in accordance with the ruling in *Bostock v. Clayton County*, to mirror the protections for pregnant workers in the Pregnant Workers Fairness Act, and to require contraceptive coverage.
- Suspend action on proposed rules or guidance under development or not yet finalized:
  - OFCCP Religious Exemption: Proposed Rulemaking re: Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption
  - OFCCP Rulemaking re: Nondiscrimination Obligations of Federal Contractors and Subcontractors: Procedures to Resolve Potential Employment Discrimination
- Develop and issue guidance parallel to the below mentioned EEOC guidance, interpreting the application of federal civil rights laws to the use of predictive hiring assessment technologies that rely on artificial intelligence, computer algorithms or statistical models to help evaluate job applicants.

### **Equal Employment Opportunity Commission**

- Resume the collection and utilization of the EEO-1 Component 1 data collection and discontinue any legal action by the Trump administration to overturn judicial rulings in favor of the data collection. Direct the EEOC to collect information on pay gaps by race, ethnicity and gender in their annual EEO-1 filings under Component 2. Consider requiring equal pay certification and/or public wage and demographic disclosure from private employers and federal contractors.
- Update the caregiving guidance to include discussion of disparate impact discrimination, including adding a discussion of how scheduling practices might have a disparate impact on workers with family care responsibilities and develop cases where a disparate impact theory is viable.
- Issue updated guidance on harassment in the workplace under Title VII, the ADA and the ADEA that has been held up by OMB or rescind and replace any problematic guidance issued by the Trump administration. Include that harassment can be based on sexual orientation and gender identity following the decision in *Bostock v. Clayton County*.
- Develop a public education campaign about the protections extended to LGBTQ workers following the *Bostock v. Clayton County* ruling, particularly in the 28 states that have no state-level protection for employee sexual orientation or gender identity.

- Develop and issue guidance interpreting the application of Title VII and other federal civil rights laws to the use of predictive hiring assessment technologies that rely on artificial intelligence, computer algorithms or statistical models to help evaluate job applicants.
- Support funding to create an anonymous tip line for EEOC reports of workplace harassment (as specified in EMPOWER Act).
- Suspend action on the proposed EEOC conciliation rule, "Update of Commission's Conciliation Procedures."

### Securities and Exchange Commission

- Prioritize appointing commissioners who are committed to increasing reporting and transparency to better inform investors about gender and racial equity in public companies in order to address the proven risks of non-diverse decision-makers, including by:
  - Amending proposed changes to Rule 14a-8 to maintain the lower thresholds for both "ownership" and "shareholder support" for resolutions addressing employee, environmental, social and corporate governance (EESG) issues to ensure shareholders can hold companies accountable for improved sustainability, risk management and EESG outcomes.
  - Working with the SEC, DOL and NLRB to develop rules requiring corporate boards to have a committee focused on workforce issues, including compensation and benefits, fair and safe workplaces, and diversity and inclusion, either as a standalone committee or integrated into existing compensation committees.
  - Developing rules requiring corporate boards to increase gender and racial diversity.
  - Requiring public disclosures of a company's pay data by gender and race, based on the EEO-1 pay data collection or the UK's gender pay gap methodology.
  - Considering requiring public disclosure of the number of workplace harassment and discrimination settlements and judgments within a company.
  - Investigating the merits and challenges of requiring large companies to annually report on defined metrics affecting the business' impact on workers, consumers, communities and the environment.

### Department of Health and Human Services

- Update Women's Preventive Services Guidelines to explicitly include comprehensive access to reproductive health care, including the full range of contraceptive methods and abortion care.

- Revoke and replace Trump administration “separate billing” rule (Section 1303) requiring consumers to pay separately for the portion of the premium that covers abortion care, which is burdensome for plan and consumers.
- Revoke current Section 1557 regulations, and reinstate the Obama Administration’s 1557 regulations with guidance providing clarity around circumstances under which people should be protected from discrimination, including on the basis of sexual orientation, gender identity and reproductive health status or history (including termination of pregnancy); employment discrimination by federally funded programs and activities; a clear definition of “benefit design” and “marketing practices” and further explanation of what constitutes discriminatory benefit design practices; and application of Section 1557 to all health programs receiving federal financial assistance across all federal departments, not just HHS.
- Rescind Trump administration rulemaking prohibiting home care workers whose services are funded by Medicaid from paying their union dues directly from their paychecks.
- Suspend action on the proposed HHS rule, “Methods for Assuring Access to Covered Medicaid Services-Rescission.” Strengthen the existing Obama Administration’s rule that requires state Medicaid agencies to report access implications of changes in provider payment rates and take beneficiary and provider input into account in deciding payment policies, to also include an analysis of the impact on health workers’ compensation and pay equity.

### **National Labor Relations Board**

- Prioritize appointing members who are committed to strengthening workers’ rights, including by:
  - Rescinding the Joint Employer Status under the National Labor Relations Act rule.
  - Reversing the *ABM Onsite Services - West, Inc.* decision deeming airport contractor employees to not be covered under the National Labor Relations Act.
  - Suspending action on “Nonemployee Status of University and College Students Working in Connection with Their Studies” rule.

### **Department of Justice Office of Legal Counsel**

- Review and reconsider the legal opinion that interprets the Religious Freedom Restoration Act as allowing organizations to discriminate in hiring with federal funds.

## **III. Data Collection, Research and Publication**

## Interagency

- Improve and expand DOL's enforcement database to integrate existing interagency corporate violations enforcement databases, including labor, environmental and consumer protection violations. Invest in the necessary IT infrastructure to ensure this database is functional and accessible to the public, and improve data collection across agencies to ensure consistency and efficiency.
- Review and improve Bureau of Labor Statistics (BLS), Census, and HHS data collection to ensure that the data being collected reflects important contemporary nuances about work, caregiving, scheduling and issues of work-life balance. In particular, regularly conducted surveys should collect consistent and more detailed data on:
  - The contingent workforce, including part-time, gig, temporary and seasonal workers.
  - Workers' access to, usage of and durations of paid and unpaid family and medical leave.
  - Workers' schedules, including the flexibility, stability and predictability of schedules and the control workers have over scheduling.
  - The demographics, job characteristics, conditions, experiences, labor force attachment and prenatal and postpartum leave arrangements of pregnant workers.
- Review and improve HHS and Centers for Disease Control and Prevention (CDC) data collection and research instruments to assess the link between paid sick days, disease transmission and access to preventive health care.
- Fund a National Institutes of Health (NIH) or CDC study on the impact of lack of access to paid sick days during COVID-19 pandemic, with focus on whether and how it entrenched health inequities from impact of virus.
- Conduct a study of the paid sick days executive order's first-year impacts on workers' and worksite health and productivity and the costs and benefits to employers, employees and taxpayers, particularly in industries and occupations in which workers were unlikely to have access to paid sick days prior to the executive order.
- Instruct HHS and DOL to collect data on number of employees that have access to contraception and abortion care through employer-sponsored insurance plans (i.e. the BLS Employee Benefits Survey); disaggregate data by race, wage level and household income level, and employer type/industry.
- Research the effect of the HHS, DOL and Treasury final rules on employment-based wellness programs to determine their impact and effectiveness, including whether they have had a disproportionately negative impact on workers with disabilities,

workers with chronic health conditions, workers of color and low-wage workers. Consider the need to revise these rules to ensure equity and improved health outcomes.

### **Department of Labor**

- In line with interagency recommendations above, collect and publish improved data on the composition and circumstances of the contingent workforce, including demographic data and information on the number of gig and non-gig roles held, type of role and number of hours to inform future policy and programming.
- Direct BLS to review and improve all economic data collection to add additional depth on breakdowns by race, gender identity, sexual orientation and disability status.
- Conduct a study on the barriers to access to benefits for domestic workers and other workers paid low wages, including recommendations about how to ensure access to health insurance, paid time off and retirement security for workers with multiple employers or hiring entities.
- Conduct study about how employers coordinate employer-provided paid leave benefits with existing state programs, including how employers “top off” wage replacement or provide longer durations of leave.
- Provide grants to states or localities to study the impact of a universal basic income or negative income tax.

### **DOL Women’s Bureau**

- Coordinate or conduct new research on women’s labor force participation, including on the impact of access to child care and paid family and medical leave, especially during the pandemic and for hourly and essential workers.
- Coordinate or conduct research on how gender and racial diversity affect the performance of companies, including pay parity and representation in management, corporate leadership and on the Board of Directors. Publish findings and share report with Congress and SEC.
- Coordinate or conduct a study of the state workers compensation programs to determine which programs cover household employees and domestic workers and what barriers exist to coverage for state programs that do not.
- Provide grants for state studies on the impact of family-friendly policies, such as fair pay practices, salary history bans, fair and predictable scheduling and supporting collective bargaining.

### **DOL Office of Federal Contract Compliance Programs**

- Collect data on the composition of the federal contractor workforce, including information data by race and ethnicity, gender and other important factors.

### Department of Health and Human Services

- Develop regulations that require all health providers and payers to collect and make publicly available disaggregated data by race/ethnicity/subgroup and other important factors.
- Conduct study on cost to federal government of companies avoiding providing benefits to employees, either by misclassifying them as contractors instead of employees or through unfair scheduling practices that intentionally keep people part time to avoid providing benefits.

### Office of Management and Budget / Office of Information and Regulatory Affairs

- Create a new office or function within Office of Information and Regulatory Affairs (OIRA) to proactively identify areas of under-regulation across the federal government, working in partnership with agencies to increase capacity and improve the development of effective, efficient rules and regulations.
- Consider amending the rulemaking process to allow agencies to re-implement former final rules (that have since been changed or repealed) through a more efficient process than is required of new rules.
- Consider modernizing and improving OIRA's cost-benefit analysis standards for analyzing rules, including 1) introducing a standard focused on "diversity, equity and inclusion"; and 2) decreasing the "discount rate" to more accurately capture the long-term benefits of proposed rules.
- Consider changes to OIRA's regulatory planning and review process to preserve public input, transparency and integrity while reducing excessive complications or delays.
- Conduct economic modeling of the costs of the paid leave status quo for working families, businesses and the economy compared to the short-and long-term economic impacts of universal access to paid leave; provide analysis by state as well as demographic breakdowns, if possible.

## IV. Executive Leadership and Influence

- **Encourage broader support for caregivers**, including through the following employer policies and practices:

- Provide reasonable workplace accommodations to pregnant workers who need them, and publicize these policies.
  - Provide paid family and medical leave and paid sick days to all employees at all levels, with pro-rated benefits to part-time employees. Paid family leave should cover both family caregiving leave and leave to bond with a new child, and it should include a broad family definition.
  - Make fair scheduling practices and stable, predictable and adequate hours the norm for workers, including workers in jobs paid low wages.
  - Provide financial assistance to employees to help meet their child and/or elder care costs.
- **Encourage support for employee health and wellbeing**, including through the following employer policies and practices:
- Provide quality, affordable health insurance coverage to all employees, extending coverage to part-time workers.
  - Provide coverage of the full range of services needed for reproductive autonomy, including coverage for the full range of contraceptive methods, abortion care and fertility treatments.
  - Offer supports for employees that help mitigate negative social determinants of health and make it easier for employees to access health care (e.g., employers addressing access to transportation and child care).
- **Encourage broader support for fair and safe workplaces**, including the following employer policies and practices:
- End the use of salary history in setting compensation.
  - Conduct annual pay audits, looking at data by race and gender, and make needed adjustments.
  - Provide applicants and employees with compensation information by job category and title, and make clear that workers may discuss their pay without negative employment consequences.
  - Discontinue the use of binding pre-dispute agreements that limit employees' abilities to vindicate their rights in court, whether individually or as a class.
  - Discontinue the use of mandatory non-disclosure agreements that prohibit employees from speaking about harassment or discrimination.
  - Regularly train all workers – including all supervisory employees – not to engage in workplace harassment and on bystander intervention. Engage employees at all levels in designing processes and procedures for reporting and responding to

complaints of workplace harassment. Ensure individuals have multiple reporting mechanisms. Conduct climate surveys.

- Review classification practices to ensure that employees are not being misclassified as independent contractors.
- Do not engage in anti-union campaigns when workers want to organize a union and request voluntary recognition.
- Implement a living wage and wage-setting processes to improve standards in historically low-paying industries and sectors that are predominantly women, such as health care and social services, education, customer service, child care and fast food.

**○ Promote culture change:**

- Focus on diverse family structures, including single parents, intergenerational caregiving, LGBTQ families, chosen family and other forms – which are the growing majority of family structures. Public policy often fails to reflect this reality and may cause harm in limited definitions of family structure and caregiving responsibilities.
- Promote men’s caregiving of children and loved ones to improve gender equity in the workplace and at home (including men’s use of paid leave).
- Amplify the crisis of discrimination, violence and economic and employment insecurity facing transgender and gender nonconforming people, particularly Black and Latina transgender women. Promote the importance of workplace safety and increased job opportunities for transgender and gender nonconforming people.
- Encourage executive branch spokespeople and documents to expand use of the business term “EESG” – employee, environmental, social and corporate governance – rather than “ESG,” which excludes any consideration of corporate responsibility for its own workers.
- Stand up to the manipulation of religious freedom as an excuse for discrimination and promote a correct view of religious freedom that protects against harm to third parties.

**○ Convene a diverse group of experts** on workplace equity:

- Convene corporate leaders, workers’ advocates, frontline workers and experts on public health and safety to discuss health and safety standards for essential workers, with the goal of strengthening OSHA standards and identifying employer best practices. Engage representatives from DOL, including OSHA.

- Create and convene a task force to make recommendations on advancing race and gender equity that could become a baseline standard for practice design, auditing and evaluating practices.
- Implement a White House task force on small business support for equitable workplaces to advance the small business case for – and voice in shaping – key workplace equity issues, such as paid leave, paid sick days, equal pay, union representation, pregnancy accommodations, harassment prevention and fair scheduling. Consider recruiting small business “ambassadors” to represent this constituency and create a network of informed advocates nationwide. Engage representatives from SBA.
- Convene corporate leaders, gig, contract, seasonal, migrant and domestic workers, economists and others to discuss and study decoupling benefits from employment and how to move toward portable benefits. Engage representatives from DOL.
- Convene agricultural and other business leaders, migrant workers, economists, immigration policy experts and others to discuss and study decoupling work visas from a worker’s specific employer and how to expand and strengthen enforcement of labor and occupational safety standards and whistleblower protections among migrant and seasonal workers, especially within the context of COVID-19.

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The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at [NationalPartnership.org](http://NationalPartnership.org).