

Obama Administration's National Equal Pay Enforcement Task Force Combines Efforts of Federal Agencies and Departments to Crack Down on Pay Discrimination

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Recently, we reported that passage of the Paycheck Fairness Act, which was approved by the House of Representatives last year but has been on hold in the Senate since then, is likely to be a hotly contested legislative battle between the Obama Administration and Congress with the midterm elections on the horizon. See "[President Obama Urges Congress to Pass the Paycheck Fairness Act](#)" for a description of how the Paycheck Fairness Act would increase and enhance the remedies available to employees for Equal Pay Act violations if it becomes law.

While the Paycheck Fairness Act is stalled in the Senate, the Obama Administration has organized a National Equal Pay Enforcement Task Force that is using the combined regulatory powers and resources of the Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), the Department of Labor (DOL), and the Office of Personnel Management (OPM) to crack down on gender-based pay discrimination.

The National Equal Pay Enforcement Task Force is composed of officials from those federal agencies and departments, and its top objective is working with Congress to pass the Paycheck Fairness Act. The Task Force's other stated objectives include:

- Improving coordination and collaboration between the EEOC, DOJ, DOL, and OPM and increasing their enforcement efforts to maximize the effectiveness of existing laws and regulations against pay discrimination;
- Collecting data from private sector employers to better understand the nature and scope of pay gaps between men and women and target enforcement efforts;
- Undertaking a public education campaign to educate employers about their obligations and employees about their rights; and
- Implementing a strategy to improve the federal government's role as a model employer.

The EEOC enforces Title VII's provisions against discrimination in the private sector, while DOJ enforces Title VII in the public sector. In connection with the Task Force's efforts, the EEOC and DOJ, along with DOL's Wage and Hour Division, are collaborating to hire additional compliance and enforcement staff, cross-train them to identify and investigate pay discrimination, and deploy them on pay discrimination cases. In addition, the EEOC and DOJ have

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begun an intensive pilot program to investigate and litigate pay discrimination charges against state and local government employers.

The Task Force also has set its sights on federal contractors. DOL's Office of Federal Contract Compliance Programs (OFCCP), which administers affirmative-action obligations of federal contractors and enforces federal laws against discrimination by federal contractors, is establishing a pilot program with the EEOC requiring field offices to coordinate and increase efforts to identify industries and business sectors where increased enforcement is necessary. Plus, OFCCP has announced it is revising standards regarding the non-discrimination obligations of federal contractors and rescinding Bush-era limitations on full audit reviews and on-site audits of federal contractors. OFCCP is also hiring and training more than 200 additional compliance staff to bolster its enforcement efforts.

Consistent with the Task Force's objectives, the EEOC is studying revisions of its EEO report forms, and OFCCP is exploring a redesign of its EO survey form, to increase collection of gender-identified wage data from private sector employers and federal contractors and enhance pay discrimination enforcement efforts by both agencies.

Also, the Task Force is developing a public education campaign to educate employers, employees and the general public about equal pay obligations and rights. The campaign will feature each EEOC District hosting a "Fair Pay Day" to focus public attention on fair pay issues, followed by outreach programs with other federal agencies intended to educate local businesses and industries on pay discrimination issues.

To help the federal government set a better example as an employer committed to equal pay, the EEOC and OPM are collaborating with the Government Accountability Office (GAO) to identify reasons for a gap between men's and women's pay in the federal workforce revealed by a 2009 GAO survey and develop strategies for closing the gap.

Details of the Task Force's objectives and recommendations can be reviewed in its recent report on the White House's website at [National Equal Pay Enforcement Task Force](#).

With these increased efforts by federal agencies and departments to crack down on pay discrimination, and the possible passage of the Paycheck Fairness Act, employers should be more focused than ever on making sure wages, salaries and other compensation programs for their employees are in compliance with equal pay laws.

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