NATIONAL WOMEN'S LAW CENTER
EXPANDING THE POSSIBILITIES

January 20, 2016

Ms. Adele Gagliardi, Administrator
Office of Policy Development and Research
Employment and Training Administration
U.S. Department of Labor Room N-5641
200 Constitution Avenue, NW
Washington, DC 20210

Via online submission

Re: RIN 1205-AB59—Proposed Rulemaking on Apprenticeship Programs; Equal Employment Opportunity

Dear Ms. Gagliardi:

Thank you for the opportunity to provide comments on the proposal to update the Department of Labor's (DOL) Equal Employment Opportunity (EEO) regulations for Apprenticeship Programs. We write to express our strong support for the proposed regulations. This rulemaking has the ability to significantly increase the participation of women and other underrepresented groups in apprenticeships and the trades. We also make suggestions for strengthening the regulations.

The National Women's Law Center (NWLC) has worked for over 40 years to advance and protect women's equality and opportunity in the areas of employment, education, economic security, and health, with a focus on low-income women. We have long worked to remove discriminatory barriers facing women in the workplace, including those that suppress women's wages, track women into "pink collar" jobs, keep women from entering high-paid professions, and limit pregnant workers' rights. In 1976, NWLC played a pivotal role in moving DOL to issue regulations designed to integrate women into construction and, in the years since, has worked to draw attention to the discrimination that starts in education and apprenticeship programs in non-traditional fields and continues all the way up the employment chain.

Unfortunately, women's participation in high-wage, high-skill fields like constructions remains shockingly low. Persistent barriers to entry and advancement of women in traditionally male-dominated apprenticeship programs lead to this underrepresentation. In the almost four decades since the Apprenticeship Program EEO regulations were last updated, the representation of women in apprenticeships has remained stagnant. While women make up 47 percent of the workforce,[1] they account for only 6.3 percent of apprentices.[2] Through strengthening and

[1] U.S. CENSUS BUREAU, HOW DO WE KNOW? AMERICA'S CHANGING LABOR FORCE 2-3 (Dec. 2012), *available at* http://www.census.gov/content/dam/Census/library/infographics/labor_force.pdf.
[2] NAT'L WOMEN'S LAW CTR., WOMEN IN CONSTRUCTION: STILL BREAKING GROUND 3 (2014), *available at* http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_womeninconstruction_report.pdf.

effectively implementing the proposed regulations, DOL can help to ensure that women have equal access to apprenticeships—and the trades—and that their participation is reflective of their share of the broader workforce. Increasing women's participation in these fields will boost women's overall earnings and help to close the wage gap, providing a pathway to economic security and opportunities for career advancement.[3] Strengthening these regulations will also help increase the participation—and economic security—of members of racial and ethnic groups who are underrepresented in certain apprenticeship industries and concentrated in apprenticeship programs in lower paying occupations.[4]

We strongly urge DOL to strengthen the regulations in the following ways:

I. Include Equal Employment Opportunity and Affirmative Action Standards for Pre-Apprenticeship Training Programs.

We commend DOL for acknowledging that "pre-apprenticeship" training is a key tool for addressing continued disparities in apprenticeship for women, people of color, and individuals with disabilities. Pre-apprenticeship training is a significant and critical component in the trade industry's workforce pipeline.[5] Without greater efforts in recruiting women, people of color, and other historically disadvantaged individuals at the pre-apprenticeship level it will remain difficult to correct the underutilization of this portion of our nation's workforce. However, to open career pathways to women and members of other underrepresented groups, pre-apprenticeship programs themselves must be attuned to and address the range of barriers these individuals face when entering these fields. Women face particularly severe barriers such as a lack of information about trade career opportunities, misperceptions regarding nontraditional careers, unequal training, sex-based stereotypes, sex discrimination and harassment, isolation, and exclusion.[6]

Accordingly, we recommend that DOL's definition in proposed § 30.2 of a quality framework for pre-apprenticeship training incorporate elements specifically addressing barriers unique to women, people of color, and individuals with disabilities and include standards for Equal Employment Opportunity/Affirmative Action (EEO/AA) in technical instruction, selection procedures, and direct entry into apprenticeship programs.

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[3] *Id.* at 5.

[4] GOVERNMENT ACCOUNTABILITY OFFICE, APPRENTICESHIP TRAINING: ADMINISTRATION, USE, AND EQUAL OPPORTUNITY, HRD 92-43, 21 (1992), *available at* http://www.gao.gov/assets/160/151504.pdf.

[5] *See* Sebrina Owens-Wilson, *Constructing Buildings and Building Careers: How Local Governments in Los Angeles Are Creating Real Career Pathways for Local Residents* (2010), *available at* http://www.forworkingfamilies.org/sites/pwf/files/publications/1110-ConstructingBuildingsBuildingCareers.pdf; REED, ET. AL MATHEMATICA POLICY RESEARCH, AN EFFECTIVENESS ASSESSMENT AND COST-BENEFIT ANALYSIS OF REGISTERED APPRENTICESHIP IN 10 STATES FINAL REPORT 51 (July 25, 2012), *available at* https://wdr.doleta.gov/research/FullText_Documents/ETAOP_2012_10.pdf; PORT JOBS, APPRENTICE UTILIZATION GOALS AND REQUIREMENTS: A COUNTYWIDE IMPACT STUDY (2007 Update), *available at* http://portjobs.org/storage/documents/2007_AU_Report.pdf.

[6] *See* Amy Denissen, *The right tools for the job: Constructing gender meanings and identities in the male-dominated building trades*, 63 Human Relations 1051 (2010).

II. Clarify that Sex Discrimination Includes Discrimination Based on Sexual Orientation and Sex Stereotyping and that Gender Identity and Pregnancy Discrimination are Prohibited.

NWLC commends DOL for revising the apprenticeship equal opportunity regulations to reflect very important developments in the landscape of anti-discrimination law. We strongly support the proposed regulations' explicit inclusion of sexual orientation in the list of bases upon which discrimination is prohibited. Individuals who identify as lesbian, gay, or bisexual face high levels of discrimination and harassment at work based on their sexual orientation.[7] The Equal Employment Opportunity Commission (EEOC) has recognized discrimination on the basis of sexual orientation to be a violation of Title VII[8] and Executive Order 11246, as amended, prohibits discrimination by federal government contractors on the basis of, *inter alia*, sexual orientation and gender identity, which is reflected in the Office of Federal Contract Compliance Programs' (OFCCP) implementing regulations.[9] Several federal courts have also found that discrimination or harassment based on an individual's romantic relationship with a person of the same gender constitutes discrimination on the basis of sex, based on the stereotype that "real men" should only be attracted to and form romantic relationships with women, and that women should only be attracted to and form romantic relationships with men.[10] Accordingly, this revision is in line with current law and also well within DOL's rulemaking authority under 29 U.S.C. § 50, which requires the formulation of "labor standards necessary to safeguard the welfare of apprentices."

While the explicit protection against discrimination based on sexual orientation is essential, NWLC urges DOL to make clear that sexual orientation discrimination and sex stereotyping discrimination are also prohibited forms of sex discrimination. In the preamble of the proposed regulations, DOL explicitly cites both the landmark case *Price Waterhouse v. Hopkins*,[11] which held that discrimination on the basis of sex stereotyping is unlawful sex discrimination under Title VII, as well as the recent EEOC decision *Baldwin* v. *Dep't of Transportation*,[12] which explicitly states that sexual orientation discrimination is a form of sex discrimination under Title

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[7] BRAD SEARS & CHRISTY MALLORY, THE WILLIAMS INSTITUTE, DOCUMENTED EVIDENCE OF EMPLOYMENT DISCRIMINATION & ITS EFFECTS ON LGBT PEOPLE 4 (2011), *available at* http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-20111.pdf (According to a 2008 survey, "42% of the nationally representative sample of LGB-identified people had experienced at least one form of employment discrimination because of their sexual orientation at some point in their lives and 27% had experienced such discrimination during the five years prior to the survey.").

[8] David Baldwin, EEOC Appeal No. 0120133080 (July 15, 2015), at 14 (available at *http://www.eeoc.gov/decisions/0120133080.pdf*).

[9] 79 Fed. Reg. 72985 (Dec. 9, 2014); 41 CFR Parts 60–1, 60–2, 60–4, and 60–50.

[10] Centola v. Potter, 183 F. Supp. 2d 403, 410 (D. Mass. 2002) ("The harasser may discriminate against an openly gay co-worker, or a co-worker that he perceives to be gay, whether effeminate or not, because he thinks, 'real men don't date men.' The gender stereotype at work here is that 'real' men should date women, and not other men"); Heller v. Columbia Edgewater Country Club, 195 F. Supp. 2d 1212 (D. Or. 2002) (discrimination because a woman "is attracted to and dates other women, whereas [the employer] believes that a woman should be attracted to and date only men," violates Title VII); Koren v. Ohio Bell Telephone Co., 894 F.Supp.2d 1032 (N.D. Ohio 2012) (discrimination based on sex stereotype that man should not take a male spouse's surname is sex-based under Title VII).

[11] 490 U.S. 228 (1989).

[12] David Baldwin, EEOC Appeal No. 0120133080 (July 15, 2015), at 14 (available at *http://www.eeoc.gov/decisions/0120133080.pdf*).

VII. *Baldwin* also clarifies that discrimination against an individual on the basis of sexual orientation is inherently intertwined with the understanding of sex-based characteristics. Explicitly articulating within the text of the regulations that sex discrimination includes sexual orientation discrimination will reflect this legal standard and provide the fullest protection for program participants in the coming years. Accordingly, we urge DOL to include a definition of "sex" in § 30.2 that makes clear that sex discrimination per se includes discrimination on the basis of sexual orientation and sex stereotyping.

NWLC also strongly supports the proposed regulations' important recognition that sex discrimination includes gender identity discrimination. In a survey conducted by the National Center for Transgender Equality, 47 percent of respondents reported that they "had experienced an adverse job action—they did not get a job, were denied a promotion or were fired—because they are transgender or non-conforming."[13] Moreover, 22 percent of employees reported that they were denied access to appropriate bathrooms, and 21 percent reported that they were not able to work out a suitable bathroom situation while at work.[14] In addition to high rates of job loss due directly to discrimination, workplace abuse is "a near-universal experience" for transgender and gender nonconforming workers, 78 percent of whom report having experienced some kind of direct mistreatment or discrimination at work.[15] The EEOC,[16] the OFCCP,[17] the Department of Justice,[18] and several federal courts[19] have found that discrimination based on a person's transgender status constitutes sex discrimination. Accordingly, revising the apprenticeship regulations to recognize gender identity discrimination as a form of sex discrimination reflects current law and is well within DOL's rulemaking authority under 29 U.S.C. § 50.

In addition, we also strongly support the proposed regulations' important recognition that sex discrimination includes pregnancy discrimination. Too often pregnant workers are pushed out of their jobs. Families cannot afford this discrimination, as women's paychecks are more critical to their families than ever. Women today are the primary breadwinners in 40.9 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 49 percent of family earnings—in another 22.4 percent of families.[20] The proposed regulations' clarification that sex discrimination includes pregnancy discrimination is in line with current law, which has

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[13] JAIME M. GRANT, LISA A. MOTET & JUSTIN TANIS, NAT'L CTR. FOR TRANSGENDER EQUAL. & NAT'L GAY & LESBIAN TASK FORCE, INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY 53 (2011), *available at* http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
[14] *Id.* at 56.
[15] *Id.*
[16] Mia Macy, EEOC DOC 0120120821, 2012 WL 1435995 (Apr. 20, 2012) .
[17] U.S. Dep't of Labor, Office of Fed. Contract Compliance, DIR 2014-02 (Aug. 19, 2014), *available at* http://www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.
[18] Memorandum from Attorney General Eric Holder to United States Attorneys and Heads of Department Components (Dec. 15, 2014), *available at* http://www.justice.gov/file/188671/download.
[19] *See, e.g.*, Smith v. City of Salem, 378 F.3d 566 (6th Cir. 2004); Schroer v. Billington, 577 F. Supp. 2d 293 (D.D.C. 2008); and Glenn v. Brumby, 663 F.3d 1312 (11th Cir. 2011).
[20] SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 2 (June 2014), *available at* https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf. Primary breadwinners earn as much or more than their partners, or they are their family's sole earner.

long been clear that pregnancy discrimination is a form of sex-based discrimination.[21] This revision is also well within DOL's rulemaking authority under 29 U.S.C. § 50.

We urge DOL, however, to make clearer throughout the text of the regulations that discrimination on the bases of pregnancy and gender identity is prohibited. Although the preamble states that pregnancy and gender identity discrimination are forms of sex discrimination, in the text of the regulations themselves, pregnancy and gender identity are only referenced once—in proposed § 30.3(c)—halfway through the section describing the equal opportunity standards applicable to all sponsors. Given the potential severity of discrimination on these bases, clarity is essential for both program participants and sponsors. Accordingly, NWLC urges DOL to make clear in the definition of "sex," which we recommend be included in § 30.2, that sex discrimination includes discrimination on the basis of gender identity and pregnancy, childbirth and medical conditions related to pregnancy or childbirth, in addition to discrimination on the basis of sexual orientation and sex stereotyping. NWLC further urges DOL to explicitly enumerate gender identity and pregnancy throughout the regulations in the list of classes protected from discrimination.

III. Ensure that Applicants and Apprentices Affected by Pregnancy and Related Conditions are Not Discriminated Against, Pushed Out of their Apprenticeships, or Forced to Choose between the Health of Their Pregnancies and Their Apprenticeships.

Many women are able to work throughout their pregnancies without any need for changes at work, but some pregnant women require temporary accommodations to protect their health and safety on the job, particularly pregnant workers in physically demanding, inflexible, or hazardous jobs where apprentices often work. Employers have traditionally used pregnancy as an occasion to push women out of work, including by refusing to make accommodation for medical needs arising out of pregnancy and related conditions, and this treatment continues. Indeed, pregnancy push-out has been an especially large barrier women have faced in nontraditional occupations where apprenticeship programs are common. For example, women who work in jobs traditionally held by men often face harassment, discrimination based on gender stereotypes, hostility, and suspicion.[22] When a woman worker is already seen as an outsider, her pregnancy and any requests for changes in her job related to the pregnancy can be taken as further evidence that the job is inappropriate for a woman, leading her employer to refuse to make accommodations and to the woman losing her job.[23] Refusal to accommodate pregnancy can thus enhance and perpetuate occupational segregation. Moreover, with women's income more critical to their families than ever before, women cannot afford to choose between the health of their pregnancies and their paychecks or careers in the trades.

As DOL recognizes, sex discrimination includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. The Supreme Court's recent holding in *Young v. United*

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[21] *See* 42 U.S.C. § 2000(e)(k) ("The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions . . . .").
[22] *See, e.g.*, Vicki Schultz, *Telling Stories about Women and Work: Judicial Interpretations of Sex Segregation in the Workplace in Title VII Cases Raising the Lack of Interest Argument*, 103 HARV. L. REV. 1749, 1832-34 (1990).
[23] NAT'L WOMEN'S LAW CTR. & A BETTER BALANCE, IT SHOULDN'T BE A HEAVY LIFT: FAIR TREATMENT FOR PREGNANT WORKERS 7 (2013), *available at* http://nwlc.org/wp-content/uploads/2015/08/pregnant_workers.pdf.

Parcel Serv., Inc.[24] requires workplace accommodations for pregnancy, childbirth, or related medical conditions in many instances. Accordingly, in the final regulations, we urge DOL to address the need for sponsors to provide reasonable accommodations for pregnancy and related conditions, both as required to avoid discrimination on the basis of pregnancy under *Young v. UPS*, and also as an affirmative measure aimed at breaking down barriers to women's acceptance and advancement in apprenticeship programs. Requiring such steps by sponsors would fall within the DOL's rulemaking authority under 29 U.S.C. § 50 to formulate "labor standards necessary to safeguard the welfare of apprentices" and would complement and reinforce the Supreme Court's recent statements in *Young* to the effect that employers may not place significant burdens on pregnant workers by excluding them from accommodations offered to most other workers who need them.

In addition, we urge DOL to specifically clarify in proposed § 30.3(a)(2), as it did with other protected categories, that, with respect to pregnancy, the Registration Agency will apply the same legal standards and defenses as those applied under the Pregnancy Discrimination Act (PDA), 42 U.S.C. 2000(k), and the implementing regulations and enforcement guidance promulgated by the Equal Employment Opportunity Commission (EEOC), as well as the Americans with Disabilities Act Amendments Act (ADAAA), 42 U.S.C. 12101 *et seq.*, and its EEOC implementing regulations and enforcement guidance. We further urge DOL to note that these legal standards include, among other things, the standards governing reasonable accommodations under the ADAAA when workers experience pregnancy-related disabilities, as well as employers' obligation, under the PDA, to make accommodations for workers with limitations arising out of pregnancy when employers make or are obligated to make accommodations for a substantial percentage of others similar in ability to work. Given the severity of discrimination against pregnant workers in nontraditional jobs, clarity as to the legal standards a sponsor must follow is essential.

IV. Prohibit Discrimination on the Basis of Caregiving Status.

NWLC recommends that the regulations explicitly prohibit discrimination on the basis of caregiving status. Federal agencies have recognized the need to address discrimination against workers who are parents or who are otherwise responsible for providing care for family members or others. The EEOC has issued enforcement guidance on unlawful discrimination against workers with caregiving responsibilities that violates Title VII's prohibition on sex discrimination.[25] The EEOC has also issued guidance on employer best practices for workers with caregiving responsibilities.[26] In addition, Executive Order 13152 prohibits discrimination against federal employees based on that employee's status as a parent.[27] Five states and over 65 localities prohibit discrimination based on family responsibilities to some degree. As the EEOC

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[24] 135 S. Ct. 1338 (2015).
[25] EEOC ENFORCEMENT GUIDANCE: UNLAWFUL DISPARATE TREATMENT OF WORKERS WITH CAREGIVING RESPONSIBILITIES (March 2007), *available at* http://www.eeoc.gov/policy/docs/caregiving.html.
[26] *See* EEOC, EMPLOYER BEST PRACTICES FOR WORKERS WITH CAREGIVING RESPONSIBILITIES, *available at* http://www.eeoc.gov/policy/docs/caregiver-best-practices.html.
[27] Exec. Order No. 13152, 65 Fed. Reg. 26115 (May 4, 2000), *available at* http://www.dol.gov/oasam/programs/crc/eo013152.pdf.

has recognized, "[s]ex-based stereotyping about caregiving responsibilities is not limited to childcare and includes other forms of caregiving, such as care of a sick parent or spouse. Thus, women with caregiving responsibilities may be perceived as more committed to caregiving than to their jobs and as less competent than other workers, regardless of how their caregiving responsibilities actually impact their work."[28]

Women apprentices may find themselves facing derogatory comments about the reliability of working mothers, less favorable scheduling, or less responsibility in assignments based on stereotypes about their competence given their caregiving responsibilities outside of work. For example, apprentices with parental responsibilities may be "docked" pay for taking time to fulfill caregiving duties while other apprentices are not similarly penalized for taking time off for activities that are not related to caregiving responsibilities, such as attending a court date. The following indicators of unlawful caregiving discrimination based on gender stereotypes, identified by the EEOC, are reflective of experience of many female apprentice:[29]

- Female applicants are asked whether they were married or had young children, or about their childcare and other caregiving responsibilities;
- Decision-makers or other officials make stereotypical or derogatory comments about working mothers or other female caregivers;
- Female employees are subject to less favorable treatment or are steered or assigned to less prestigious or lower-paid positions
- Male workers with caregiving responsibilities receive more favorable treatment than female workers;

We urge DOL to prohibit discrimination based on caregiving status, in line with similar protections afforded in other contexts.

V. Strengthen the Anti-Discrimination and Anti-Harassment Protections Required of all Sponsors.

NWLC applauds DOL for requiring all sponsors, regardless of size, to take affirmative steps to provide equal opportunity in apprenticeship, including outreach and recruitment and anti-harassment efforts. Outreach and recruitment efforts that are intended to "generate referrals from *all* demographic groups" are particularly vital to increasing the number of women in apprenticeship programs. Given historical outreach and hiring practices focused primarily on men, and the resulting disproportionate number of male apprentices, information networks regarding apprenticeships can also be expected to be disproportionately male; as a result, many women are not aware of apprenticeship programs and targeted outreach is necessary to increase awareness of these opportunities.[30] Likewise, anti-discrimination and anti-harassment protections are crucial to prevent and confront the discrimination that is often pervasive at worksites, including isolation in the classroom and on the job, unequal assignments, mentoring that

[28] EEOC ENFORCEMENT GUIDANCE: UNLAWFUL DISPARATE TREATMENT OF WORKERS WITH CAREGIVING RESPONSIBILITIES (March 2007), *available at* http://www.eeoc.gov/policy/docs/caregiving.html.
[29] *Id.*
[30] NAT'L WOMEN'S LAW CTR, *supra* note 2, at 7.

excludes women and people of color, and sexual harassment.[31] We urge DOL to strengthen these requirements in several key ways.

a. Strengthen Sponsors' Outreach and Recruitment Requirements.

We urge DOL to strengthen the outreach and recruitment efforts that all sponsors must undertake by requiring sponsors to ensure that these efforts extend to all persons available for apprenticeship without discrimination. Proposed § 30.3(b)(3) requires sponsors to ensure that their outreach and recruitment efforts extend to all persons but only without regard to race, sex, ethnicity, or disability. In order to ensure inclusive outreach and recruitment and to avoid prohibited discrimination, § 30.3(b)(3) must include all of the protected bases—sex, pregnancy, gender identity, sexual orientation, caregiver status, race, color, national origin, religion, age (40 or older), genetic information, and disability.

b. Strengthen the Anti-Harassment and Anti-Discrimination Protections Required of all Sponsors.

NWLC commends DOL for making anti-harassment protections a central part of all sponsors' equal opportunity requirements. Robust anti-harassment protections are essential to creating an environment in which all apprentices feel welcomed, safe, and treated fairly. Strong anti-harassment measures will also help to ensure that more women complete their apprenticeship programs. Accordingly, we urge DOL to strengthen the proposed anti-harassment protections by adding to § 30.3(b)(4)(i)-(iv) that sponsors must "make all work assignments and training opportunities available without regard to race, color, religion, national origin, sex, pregnancy, gender identity, sexual orientation, caregiver status, age (40 or older), genetic information, or disability." To ensure these opportunities are afforded to all apprentices equally, DOL should also add to the antidiscrimination protections in § 30.3(a)(1)(i)-(x) "work assignments and training opportunities" as a basis with regard to which a sponsor cannot discriminate.

We also urge DOL to strengthen the proposed anti-harassment protections as they pertain to restrooms and changing facilities. Specifically, we urge DOL to adopt in the final regulations the recommendations of the Advisory Committee on Occupational Safety and Health in its report "Women in the Construction Workplace: Providing Equitable Safety and Health Protection."[32] NWLC urges DOL to require sponsors to have external and internal locks on all single user and sex-segregated restrooms and changing facilities and to ensure that all restrooms and changing facilities are enclosed, including a roof, to ensure privacy between the sexes and support safety and health measures. We also urge DOL to include language in the regulations that makes clear to sponsors that if sex-segregated facilities are available, they must provide access to gender-appropriate facilities for individuals in accordance with their gender identity. As set forth in the Occupational Safety and Health Administration's "Guide to Restroom Access for Transgender

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[31] *See id.*; CHICAGO WOMEN IN TRADES, BREAKING NEW GROUND: WORKSITE 2000 (1989), *available at* http://chicagowomenintrades2.org/wp-content/uploads/2015/02/Breaking-New-Ground2.pdf.

[32] OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, WOMEN IN THE CONSTRUCTION WORKPLACE: PROVIDING EQUITABLE SAFETY AND HEALTH PROTECTION (June 1999), *available at* https://www.osha.gov/doc/accsh/haswicformal.html.

Workers,"[33] the decision of which restroom corresponds with an apprentice's gender identity is a decision that should be left to the transgender apprentice to determine the most appropriate and safest option. Apprentices should not be asked to provide any medical or legal documentation of gender identity in order to have access to gender-appropriate facilities. Specifically, the regulations' anti-harassment provisions should be strengthened by stating that, if the sponsor provides restrooms or changing facilities, the sponsor must provide separate or single-user restrooms and changing facilities to assure privacy between the sexes, "*and must provide equal access to such facilities consistent with an individual's gender identity.*" This clarification is crucial to ensuring that apprentices are not subject to inappropriate personal questions or other verbal or physical harassment for using public restrooms consistent with their gender identity.

VI. Require all Sponsors to Create Affirmative Action Programs, Not Just Sponsors with 5 or More Apprentices.

NWLC urges DOL to reconsider the proposed exemption of apprenticeship programs with fewer than 5 apprentices from having to adopt an affirmative action program. Such an exemption would exclude a significant percentage of apprenticeship programs from the promises of equal opportunity offered by the regulations. This exemption would also exclude a large number of new apprenticeship programs in their early years of growth when the adoption of an affirmative action program would have the greatest long term, positive impact.

VII. Ensure that the Affirmative Action Regulations Actually Increase Participation of Women and People of Color in Apprenticeships and the Trades.

We commend DOL for updating the affirmative action regulations, which is a necessary step in addressing and combating the drastic underrepresentation of women in apprenticeships and the underrepresentation of members of particular racial and ethnic groups in certain apprenticeship industries. The utilization analysis and establishment of a utilization goal are integral aspects of the affirmative action regulations and clarity as to the required processes, in combination with robust enforcement and compliance mechanisms, is essential to ensuring equal opportunity in apprenticeship programs. While we support DOL efforts to simplify these processes, we strongly recommend that DOL clarify the analysis a sponsor must undertake to determine whether certain groups are underrepresented in their apprenticeship program when compared to their share of the relevant local workforce, as well as the point at which "underutilization" occurs thereby requiring the designation of a utilization goal. Finally, in order to make real progress towards increasing the representation of women and people of color in apprenticeships, the proposed compliance mechanism consisting only of internal review and self-monitoring by sponsors should be augmented by requiring goals and timetables subject to DOL oversight.

a. Clarify the Meaning and Scope of the Terms "Qualified" and "Present or Potential Capacity for Apprenticeship."

We support DOL's requirement that sponsors compare their "utilization" of women apprentices and apprentices of color with the "availability" of women and people of color who have the

[33] OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, BEST PRACTICES: A GUIDE TO RESTROOM ACCESS FOR TRANSGENDER WORKERS (2015), *available at* http://www.transequality.org/sites/default/files/docs/OSHA_Trans_Bathroom_Access.pdf.

"present or potential capacity for apprenticeship" to determine whether they must set a utilization goal and engage in targeted outreach, recruitment, and retention as part of their affirmative action programs. However, we strongly urge DOL to clarify the terms used in this section to provide sufficient guidance to sponsors. Specifically, DOL should clarify that individuals who are "qualified" or "with the present or potential capacity for apprenticeship," as stated in proposed §§ 30.5(c)(3)(i) and (ii), are individuals who meet the generally-accepted industry requirements for apprenticeships and that these requirements are minimal. DOL should explicitly clarify that apprenticeships are entry-level positions, generally requiring no previous experience and little-to-no requirements other than being at least 18 years of age and holding a high school diploma or equivalent.[34] Such a clarification is consistent with and supported by the current apprenticeship regulations, which clearly state:

> T]he regulation adopted today reflects the Department's determination that apprenticeships, like other entry-level jobs, do not require any particular training or qualification other than the capability to be trained. The use of the word 'qualified' in the Preamble to the proposed regulation was not intended to signify anything contrary to this position.[35]

Importantly, DOL should affirm in the regulations its longstanding understanding that, given the minimal requirements for apprenticeship, the population of women and people of color who are "qualified" or have the "present or potential capacity" for apprenticeship will largely correspond with that group's share of the civilian labor force in the relevant recruitment area. This would serve to confirm that the determination of individuals who are qualified for an apprenticeship in the proposed regulations remains unchanged from the existing regulations in effect since 1978, as summarized in the Preamble to the current regulations:

> [A]pprenticeships are entry level positions, requiring no previous skills or training. Thus, the applicable labor market is not those in the labor force who have already acquired skills, but those who possess the capability to be trained. In the absence of any proof to the contrary, the Department assumes that the percentage of the female labor force capable of being trained in the skilled trades is approximately equal to the percentage of the male labor force with that capability. Thus, ***the Department assumes that in the absence of discrimination women would be represented in the skilled trades in a fashion comparable to their representation in the total workforce in a given geographic area***.[36]

We appreciate that DOL acknowledges that sponsors should not determine the availability of women or people of color based only on their existing representation in apprenticeships in the

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[34] *See* U.S. Dept. of Labor, *Apprentices Eligibility and Requirements, available at* https://www.doleta.gov/oa/apprentices.cfm ("The eligible starting age can be no less than 16 years of age; however, individuals must usually be 18 to be an apprentice in hazardous occupations. Program sponsors may also identify additional minimum qualifications and credentials to apply, e.g., education, ability to physically perform the essential functions of the occupation, proof of age.").

[35] Equal Employment Opportunity in Apprenticeship and Training, 43 Fed. Reg. 20760, at 20765 (proposed May 12, 1978) (codified at 29 C.F.R. §§ 30.1-30.19).

[36] *Id*. at 20764 (emphasis added).

recruitment area, but also based on the percentage of women and people of color with the "potential capacity for apprenticeship." As the Preamble to the current regulations aptly explains,"[t]o base goals on the current percentage of women in the skilled trades would serve to perpetuate the discrimination which has resulted in so few women entering the trades."[37] However, without the above recommended clarifications to the meaning and scope of "potential capacity for apprenticeship," sponsors might inaccurately or inappropriately restrict the meaning of this term, thereby narrowing their calculation of "available" women and people of color and perpetuating existing underrepresentation of women and people of color in apprenticeship industries.

The recommended clarifications will ease the burden on sponsors to comply with, and DOL to enforce, the affirmative action regulations by providing greater guidance and a simplified standard for determining availability. They will also decrease the potential that the availability and utilization calculations will be manipulated or inconsistently applied by sponsors.

Specifically, the recommended clarification for determining the availability of qualified individuals ensures that the proposed utilization goal for sponsors, which must be "at least equal to the availability figure," remains a robust goal that moves apprenticeship programs towards the share of women and people of color reflected in the overall civilian labor force. The recommended clarification ensures that sponsors must set a utilization goal at least equal to the percentage of women and people of color in the labor force in the relevant recruitment area. Such a robust goal is crucial because affirmative action programs that have more aspirational goals are shown to actually result in the hiring of more women and people of color.[38]

Such a goal is also consistent with other affirmative action programs. For example, the regulations implementing Section 503 of the Rehabilitation Act, which apply to individuals with disabilities and became effective on March 24, 2014, establish a utilization goal of 7% of individuals with disabilities for all federal contractors. The OFCCP determined this utilization goal based on calculations of the percentage of individuals with disabilities *in the civilian labor force*.[39] Thus, DOL has adopted the percentage of the civilian labor force goal for individuals with disabilities in the apprenticeship regulations and should clarify that it is adopting a similar approach for sex, race, and ethnicity in the regulations.

b. Clarify that Sponsors Must Calculate the Availability and Utilization of Women Overall *and* Women of Particular Racial and Ethnic Groups.

We support the regulations' proposal to move away from the current utilization analysis, which requires the sponsor to analyze availability and utilization for women and then for minorities as an aggregate group, and instead require sponsors to disaggregate the availability and utilization

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[37] *Id.*
[38] *See* LEBRETON, LOEVY AND SUGERMAN, CHICAGO WOMEN IN TRADES, BUILDING EQUAL OPPORTUNITY 9 (1995), *available at*: http://chicagowomenintrades2.org/?page_id=71; Jonathan S. Leonard, *The Impact of Affirmative Action Regulation and Equal Employment Law on Black Employment*, The Journal of Economic Perspective, Vol. 4, No. 4 (Autumn 1990), pp. 47-63, *available at* http://isites.harvard.edu/fs/docs/icb.topic98848.files/leonard2.pdf.
[39] *See* U.S. Dep't of Labor, Office of Fed. Contract Compliance Programs, *Frequently Asked Questions: New Section 503 Regulations, available at* http://www.dol.gov/ofccp/regs/compliance/faqs/503_faq.htm#Q9.

of individuals for apprenticeship by race, sex, and ethnicity. We urge DOL to further strengthen the utilization analysis by clarifying that this data must also be cross-tabulated by race, sex, and ethnicity. In other words, the regulations should require a sponsor to calculate the availability and utilization of individuals broken down by race, sex, and ethnicity, *and* calculate the availability and utilization of men or women of a particular racial or ethnic group. For example, a sponsor would calculate the utilization in their apprenticeship program of women and African Americans as general groups *and* calculate the utilization of African American women as a particular group.

Using data cross-tabulated by race, sex, and ethnicity would ensure that a sponsor's utilization analysis does not mask the barriers to apprenticeship faced by subgroups of individuals, such as African American women or Latinas. For example, women as a broad, generalized group make up 2.6% of construction workers, however, Latina women make up only 0.4 percent, African American women only 0.2 percent, and Asian/Pacific Islander and American Indian/Alaska Native women each make up only 0.1 percent of all construction workers.[40] Analyzing data by subgroups will help bring to light barriers that otherwise would go unnoticed, and thus will lead to better targeted and more effective outreach, recruitment, and personnel processes.

Other laws and regulations have recognized the importance of cross-tabulation. For example, the regulations implementing Executive Order 11246 and establishing affirmative action programs for nonconstruction contractors require contractors to consider whether a substantial disparity exists "in the utilization of a particular minority group or in the *utilization of men or women of a particular minority group*."[41] Likewise, the Every Student Succeeds Act of 2015 requires state educational agencies to report student test scores and graduation rates, not only disaggregated by economic status, race/ethnicity, gender, English proficiency, disability status, and migrant status, but also in a manner that can be cross-tabulated across those six categories.[42] Clarifying that the proposed regulations require the cross-tabulation, in addition to the disaggregation, of availability and utilization data will not require the collection of any new data and does not create any new burdens. Cross-tabulation would simply require that the data already collected and reported by sponsors be presented in a format that is more helpful and useful.

c. Clarify and Simplify the Definition of "Underutilization."

We similarly urge DOL to provide additional guidance for determining "underutilization" of women and people of color as proposed in § 30.5(d). The proposed regulations would require sponsors to establish a utilization goal and engage in targeted outreach, recruitment, and retention efforts when the sponsor's utilization analysis demonstrates that women, Hispanics or Latinos, or individuals of a particular racial minority group in its apprenticeship program are "underutilized," meaning "*less than would be reasonably expected* given the availability of such individuals for apprenticeship."

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[40] NAT'L WOMEN'S LAW CTR., *supra* note 2, at 2.
[41] Placement goals, 41 CFR § 60-2.16 (2015).
[42] Every Student Succeeds Act, Pub. L. No. 114-95, sec. 1005, § 1111(g)(2)(N), 129 Stat. 1802 (2015) (to be codified at 20 U.S.C. § 6311).

We strongly urge DOL to clarify that "underutilization" occurs when a sponsor's utilization of women or people of color is "*less than the percentage available* for apprenticeship in the relevant recruitment area." This clarification simplifies the analysis of when a utilization goal must be set and targeted outreach, recruitment, and retention undertaken, and ensures that the determination of underutilization will not be manipulated or inconsistently applied by sponsors. This clarification is also consistent with other affirmative action programs and with the apprenticeship regulations governing utilization goals for individuals with disabilities (proposed § 30.7), which require a sponsor to undertake specific affirmative action measures when individuals with disabilities are represented at a rate "less than" the utilization goal, *not* less than "would be reasonably expected."

d. Ensure that Sponsors Make Actual Progress towards Utilization Goal.

We commend DOL for setting an aspirational utilization goal, as discussed above. However, we are seriously concerned about sponsors actually making progress towards this goal. Although the current regulations include affirmative action requirements and have been in place for nearly forty years, women's participation in apprenticeship programs has increased only slightly since 1978 to approximately 7%.[43] Sponsors' failure to comply with affirmative action requirements and be held accountable by DOL for their failure to comply is a reason for the unacceptably small increase in women's participation in apprenticeship.[44] While we support sponsors being required to conduct annual or biannual internal reviews of their affirmative action programs, these self-reviews alone are insufficient to ensure that sponsors move towards their utilization goals. Accordingly, we urge DOL to require sponsors to set interim goals and timetables as well as establish external mechanisms for ensuring that sponsors progress towards their goals.

i. Strengthen Proposed Internal Review Mechanism

First, NWLC supports the proposal to allow a sponsor to wait two years to complete its next internal affirmative action program review if its internal review demonstrates that there is no underutilization and its review of personnel practices does not indicate any necessary modifications. However, we recommend that DOL also require that there have been no substantiated complaints of discrimination against the sponsor during the review period to allow

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[43] NAT'L WOMEN'S LAW CTR., *supra* note 2, at 3.

[44] U.S. GENERAL ACCOUNTABILITY OFFICE, REGISTERED APPRENTICESHIP PROGRAMS, LABOR CAN BETTER USE DATA TO TARGET OVERSIGHT (GAO-05-886) (2005), *available at* http://www.gao.gov/assets/250/247544.html (2005 GAO study finding that DOL had conducted compliance reviews of only 4% of apprenticeship programs in the 23 states where DOL had direct oversight responsibility and no compliance reviews of SSA oversight in states where SAA was responsible for direct oversight; recommending that DOL increase SAA oversight reviews); *see also* TIMOTHY CASEY, LEGAL MOMENTUM, STILL EXCLUDED: THERE ARE STILL VIRTUALLY NO WOMEN IN THE FEDERALLY CREATED AND SUPERVISED APPRENTICESHIP SYSTEM FOR THE SKILLED CONSTRUCTION TRADES 5 (March 2013), *available at* https://www.legalmomentum.org/sites/default/files/reports/still-excluded.pdf ("[N]o progress will be made in increasing women's entry to the skilled construction trades unless DOL strengthens the affirmative action mandate and devotes more resources to enforcing it."); MOIR, ET AL., *UNFINISHED BUSINESS: BUILDING EQUALITY FOR WOMEN IN THE CONSTRUCTION TRADES* 18, 21 (2011), *available at* http://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1004&context=lrc_pubs ("Aggressive enforcement remains an important avenue for ensuring more equitable participation of women in the industry.").

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this extended subsequent review period. We believe that this provides a strong incentive to sponsors who have shown success in meeting their affirmative action and nondiscrimination obligations.

ii. Require all Sponsors to Submit Affirmative Action Plans to DOL Annually or Biannually.

We strongly urge DOL to require all sponsors to submit their affirmative action plans to the Registration Agency on an annual basis or, if the sponsor's internal review demonstrates that there is no underutilization and its personnel practices do not need necessary modifications and no complaints of discrimination have been substantiated, on a biannual basis. Such a requirement will facilitate compliance and incentivize sponsors to conduct accurate utilization analyses and develop robust affirmative action programs. Requiring only biannual submission of affirmative action plans by sponsors who are not underutilizing women or people of color, do not have deficient personnel processes, and have not received a substantiated complaint of discrimination will incentivize sponsors to work quickly towards their utilization goals.

iii. Require all Sponsors Underutilizing Women or People of Color to Set Interim Utilization Goals and Timetables.

As in the current regulations, we urge DOL to require all sponsors who are underutilizing women and/or people of color to include in their affirmative action plans interim percentage goals and timetables for the utilization of women and people of color as apprentices. When the current regulations were promulgated in 1978, DOL recognized the importance of specific goals and timetables to providing women with equal opportunity in entering apprenticeship programs in light of the pervasive discrimination and longstanding historical barriers they have faced.[45] Discrimination and harassment of women in apprenticeship programs continues to be pervasive and the percentage of women in apprenticeships has increased only slightly since 1978. Sponsors' failure to comply with affirmative action requirements or make good faith efforts towards their utilization goals is a reason behind these stagnant numbers.[46] Research has demonstrated that setting high goals that are supported by a strong commitment by leadership to implementing strategies to achieve the goals results in meeting and exceeding the goals.[47] As a result, the need for interim goals and timetables is as important as ever.

We further urge DOL to set out, as it does in its current regulations, that where a sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and DOL determines that the sponsor has deficiencies in terms of underutilization of women or people of color, DOL shall establish goals and timetables applicable to the sponsor for the admission of female applicants and applicants of color as

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[45] Equal Employment Opportunity in Apprenticeship and Training, 43 Fed. Reg. 20760, at 20763 (proposed May 12, 1978) (codified at 29 C.F.R. §§ 30.1-30.19) ("if women are to receive a fair number of these opportunities it is necessary to establish specific affirmative action requirements, including goals and timetables.").

[46] GAO REPORT, *supra* note 44; CASEY, *supra* note 44; MOIR, ET AL., *supra* note 44.

[47] *See* LEBRETON, LOEVY AND SUGERMAN, *supra* note 38; Leonard, *supra* note 38; *see also* POLICY GROUP FOR TRADESWOMEN'S ISSUES, FINISHING THE JOB: BEST PRACTICES FOR A DIVERSE WORKFORCE IN THE CONSTRUCTION INDUSTRY (2015), *available at* http://www.policygroupontradeswomen.org/resources/bestpractices.

apprentices, as appropriate. Finally, DOL should make explicitly clear, as it does in its current regulations, that compliance with the affirmative action requirements shall be determined by whether the sponsor has made good faith efforts to meet its goals and timetables. DOL should further clarify that a sponsor's good faith efforts shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. These clarifications will provide sponsors with much needed guidance as to what noncompliance means in the affirmative action context and make it easier for sponsors to ensure they are taking the necessary steps to be in compliance with the regulations.

iv. Require Additional External Monitoring and Compliance Assistance for Sponsors with Less than 50% of the Proportion of Women or People of Color Available in Their Relevant Recruitment Area

For sponsors which have less than 50% of the proportion of women, Hispanics or Latinos, or individuals of a particular racial minority group available in the sponsor's relevant recruitment area, external monitoring and technical assistance is particularly important. Accordingly, we urge DOL to require such sponsors to work with an agency representative to develop and attain yearly graduated increases in the utilization of women apprentices and apprentices of color that are benchmarked to an initial "Year 1" starting point. Such a requirement would bring the apprenticeship regulations in line with Department of Education and Department of Labor workforce development programs provided for in the Carl D. Perkins Career and Technical Education ("Perkins") Act,[48] the Workforce Innovation and Opportunity Act,[49] and the Trade Adjustment Assistance Community College and Career Training Grant Program.[50] Just as these programs have long measured progress, sponsors of apprenticeship programs should first be required to establish a benchmark derived from an analysis of the participation of various groups in the relevant recruitment area. Specifically, a representative group of apprenticeship stakeholders in a relevant recruitment area should be engaged to determine the original benchmark for each demographic group, with the understanding that the benchmark cannot be lower than the current apprenticeship workforce numbers for that group in the relevant recruitment area. Sponsors, working with a representative of the Registration Agency, should then develop an initial three-to-five-year plan that sets forth proscribed graduated increases in the utilization of women and people of color over the benchmark. The development of such plans is currently required for similar technical education programs under the Perkins Act.[51] Finally, sponsors should be required to report on their progress to the Registration Agency and the public annually. If progress is less than the goals within the three-to-five-year plan, a more rigorous compliance action plan should be mandated beyond the efforts already undertaken to meet the performance goals. The three-to-five-year plan should be evaluated and modified annually by the Registration Agency.

VII. Require Robust Measures for Targeted Outreach, Recruitment, and Retention

[48] Carl D. Perkins Career and Technical Education Act, Pub. L. No. 109-270, sec. 113, 20 U.S.C. § 2323 (2006).
[49] Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, sec. 116, 29 U.S.C. § 3141 (2014).
[50] Trade Adjustment Assistance Community College and Career Training Grant Program, 19 U.S.C. § 2371 (2009).
[51] Carl D. Perkins Career and Technical Education Act, Pub. L. No. 109-270, sec. 113, 20 U.S.C. § 2323 (2006).

We strongly commend DOL for addressing the retention of women, people of color, and individuals with disabilities in apprenticeship programs given the glaringly high number of apprentices who never complete their apprenticeship program. Women apprentices are particularly susceptible to non-completion given the unique barriers they face throughout their apprenticeships, including isolation, harassment, discrimination, and lack of training rotation on the job.[52] We urge DOL to strengthen the regulations as they relate to retention by creating a separate "retention" section outlining the efforts sponsors must undertake to increase retention rates. Among the provisions in the "retention" section, we urge DOL to include, at the very least, a requirement that sponsors: (1) analyze their apprentice retention rates for women, people of color, and individuals with disabilities; (2) set forth in their written affirmative action plans the specific retention activities they plan to take for the upcoming program year; (3) conduct exit interviews of each apprentice leaving the sponsor's apprenticeship program prior to completion; and (4) implement policy and professional development practices designed to build staff capacity to support and serve traditionally underrepresented groups, including training on cultural and gender competency.

VIII. Implement Inclusive Apprentice Selection Procedures.

NWLC commends DOL for requiring sponsors' selection method(s) to be facially neutral in terms of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability and requiring sponsors to evaluate the impact of their selection procedure(s) on race, sex, and ethnic groups (Hispanic or Latino/non-Hispanic). We urge DOL to clarify that the former requirement also applies to pregnancy, gender identity, and caregiver status, and the latter to pregnancy, sexual orientation, gender identity, and caregiver status.

In addition, we support the requirement that sponsors must demonstrate job-relatedness and business necessity for those selection procedures that result in an adverse impact on underutilized groups. Historically, unnecessary skills requirements have at times had the intended or unintended effect of excluding certain groups of people. Thus, the regulations should explicitly state that skills requirements, including any strength and/or physical abilities tests or standards that are used to screen and/or rank apprenticeship candidates, must be related to and necessary for the actual on-the-job performance requirements and must meet the requirements listed in the current regulations at § 30.5(b)(1)(iii). We recommend that DOL further require that a sponsor which wishes to maintain a selection procedure that results in an adverse impact on an underutilized group must demonstrate that there is no alternative procedure available to meet the business necessity.

We further urge DOL to explicitly state that sponsors are permitted and encouraged to implement a different selection procedure(s) or extend or reopen selection periods if the initial selection procedure or period was not effective in complying with EEO requirements and/or making progress towards affirmative action goals. Finally, we recommend that DOL establish guidelines for standardizing direct entry into apprenticeships for graduates of pre-apprenticeship programs that adhere to the quality framework to be set out in § 30.2.

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[52] NAT'L WOMEN'S LAW CTR., *supra* note 2, at 3.

IX. Include Robust Measures for Ensuring Sponsor Compliance with All Antidiscrimination and Affirmative Action Requirements.

While we support the self-monitoring mechanisms proposed in the regulations, such mechanisms alone will be insufficient to ensure sponsor compliance with the regulations' antidiscrimination and affirmative action requirements. Accordingly, we urge DOL to establish external review mechanisms for all sponsors, including requiring annual or biannual sponsor reports to the Registration Agency and the public detailing the sponsor's antidiscrimination and affirmative action efforts and progress; requiring regular compliance reviews of sponsors' antidiscrimination and affirmative action efforts by the Registration Agency; requiring compliance action plans for sponsors found to be noncompliant; and requiring compliance review findings and any resulting compliance action plans be made accessible to the public. We further urge DOL to require the Registration Agency to regularly evaluate a sponsor's compliance action plan for effectiveness until the sponsor attains the plan goals. Importantly, DOL should establish opportunities for stakeholder participation in compliance reviews and in the filing and review of EEO/AA complaints.

Finally, we urge DOL to further strengthen the technical assistance provided to sponsors and ease the burden on sponsors by requiring sponsors to include a standing seat on their advisory committee from an external party that supports underrepresented populations in the workforce development arena. We also urge DOL to require regular and ongoing professional development on cultural competency and antidiscrimination and affirmative action requirements for apprenticeship training staff, instructors, administrators, and support staff.

We urge DOL to adopt final regulations that provide apprenticeship sponsors and the Department the strongest possible tools for increasing women's participation in apprenticeship programs. If strengthened as recommended above, and as recommended in the comments submitted by the National Taskforce on Tradeswomen Issues that NWLC supports, these regulations will be instrumental in increasing women's participation in high-wage, high-skill trades, improving women's economic security, and helping to close the wage gap.

We thank you for the opportunity to provide comments on these important regulations.

Sincerely,

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