



House Education and the Workforce Committee

"Examining the Policies and Priorities of the Department of Labor"

National Women's Law Center and National Partnership for Women & Families

119th Congress

On behalf of the National Women's Law Center (NWLC) and the National Partnership for Women & Families (NPWF), organizations that have advocated on behalf of the civil rights of women and girls for over fifty years, we write regarding our deep concerns about recent and proposed policies and priorities of the Trump Department of Labor (DOL), which are devastating to women workers and their families. The Department of Labor oversees a number of laws vital to women's economic security and the right to be free from workplace discrimination, such as the Fair Labor Standards Act¹, the Occupational Safety and Health Act, and the Family and Medical Leave Act. These laws are essential to ensuring women have the ability to fully participate in the workplace and to closing the gender wage gap: they remove barriers to women's employment opportunity; protect against pay discrimination; allow women to meet caregiving responsibilities without sacrificing their employment; and protect women's health and safety so they can continue to support their families. Yet just four months into this administration, the Trump Department of Labor has already taken actions that eliminate worker protections, reduce equal employment opportunities, attack key civil rights protections, inhibit worker power and reinforce occupational segregation to the detriment of women, workers of color, LGBTQI+ workers, workers with disabilities, and all workers throughout the country. The situation facing America's workers is alarming.

A strong and effective DOL is urgently needed given the economic uncertainty facing many women workers in the United States. Despite the extremely valuable role that women play in our economy, they continue to face barriers and discrimination in the workplace. Women are overwhelmingly the essential but underpaid workers who care for children and seniors, staff grocery stores and hotels, clean homes and offices, and more—typically for less than \$15 per

¹ Including the PUMP Act for Nursing Mothers (Pump Act).

hour.² In fact, women working full time, year-round typically are paid just 83 cents for every dollar paid to their male counterparts—a gap that increased in 2023 for the first time in two decades.³ This gap is even wider for many women of color, disabled women, and mothers.⁴ And women continue to lag behind men in jobs gained in the five years since the onset of the pandemic.⁵

Instead of supporting women workers, Trump’s DOL has taken several actions to restrict women’s economic opportunities by rolling back decades of labor and civil rights protections. The administration now proposes to further undermine the agency and center corporate profit over worker well-being. Because women make up nearly two-thirds of workers in the lowest-paid jobs, they have the most to lose from rollbacks of baseline workplace protections.

Below we identify a few key areas where recent, proposed or possible changes have had or could have a significant impact on working women.

OFCCP

The President’s FY26 budget for DOL would eliminate the Office of Federal Contract Compliance Programs (OFCCP), terminating the vital role OFCCP has played for decades in preventing and addressing discrimination in the workplaces of federal contractors. This action, combined with President Trump’s Executive Order (EO) 14173,⁶ which terminated Executive

² JASMINE TUCKER & JULIE VOGTMAN, NAT’L WOMEN’S LAW CENTER, WHEN HARD WORK IS NOT ENOUGH: WOMEN IN LOW-PAID JOBS (2023), <https://nwlc.org/resource/when-hard-work-is-not-enough-women-in-low-paid-jobs/>.

³ ASHIR COILLBERG, NAT’L WOMEN’S LAW CENTER, A WINDOW INTO THE WAGE GAP: WHAT’S BEHIND IT AND HOW TO CLOSE IT (Feb. 2025), <https://nwlc.org/wp-content/uploads/2024/01/2025-Window-Into-the-Wage-Gap-Factsheet.pdf>; NAT’L PARTNERSHIP FOR WOMEN AND FAMILIES, AMERICA’S WOMEN AND THE WAGE GAP (Mar. 2025), <https://nationalpartnership.org/report/americas-women-and-the-wage-gap/>.

⁴ ASHIR COILLBERG, NAT’L WOMEN’S LAW CENTER, A WINDOW INTO THE WAGE GAP: WHAT’S BEHIND IT AND HOW TO CLOSE IT (Feb. 2025), <https://nwlc.org/wp-content/uploads/2024/01/2025-Window-Into-the-Wage-Gap-Factsheet.pdf>.

⁵ NWLC calculations using U.S. Department of Labor, Bureau of Labor Statistics (BLS), “Employees on Nonfarm Payrolls by Industry Sector and Selected Industry Detail,” Table B-1 in April 2025 Employment Situation Summary, <https://www.bls.gov/news.release/empsit.t17.htm> and “Employment of Women on Nonfarm Payrolls by Industry Sector, Seasonally Adjusted,” Table B-5 in April 2025 Employment Situation Summary (Washington, DC: May 2, 2025), <https://www.bls.gov/news.release/empsit.t21.htm>. Historical data available at <https://www.bls.gov/webapps/legacy/cesbtab5.htm>. Changes since the start of the COVID-19 pandemic are measured using February 2020 as a reference point. Each year when January data is released, the Bureau of Labor Statistics adjusts its data to incorporate new methodologies and population estimates from the most recent decennial Census and other sources. However, BLS does not revise historical figures with these new estimates and therefore cautions the comparability of figures across years. At the end of each year, BLS also updates the seasonal adjustment factors and revises some historical, seasonally adjusted data to improve comparability. This impacts seasonally adjusted data through January 2018.

⁶ Executive Order 14173 of January 21, 2025, 90 Fed. Reg. 8633 (Jan. 31, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-31/pdf/2025-02097.pdf>.

Order 11246, is devastating for workers who would benefit from equal access to jobs created with federal taxpayer dollars.⁷ EO 11246 provided fundamental civil rights protections to workers employed by federal contractors—approximately one-fifth of the entire U.S. labor force—to be free from discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin. Federal contract workers can be found in industries across our economy—such as construction, food services, pharmaceutical companies and investment firms, and include many low-paid workers.

The Trump administration’s proposed termination of OFCCP, along with the revocation of EO 11246, would deeply undermine DOL’s role combatting discrimination by federal contractors. Over the past 10 years, OFCCP obtained over \$260 million for over 250,900 employees and job seekers who were discriminated against by federal contractors.⁸ OFCCP’s ability to review contractors’ compliance with its nondiscrimination obligations was especially helpful in identifying and addressing patterns of discrimination that individual employees may not have had sufficient information to challenge or may have been too frightened to report. In particular, OFCCP has been critical to the fight for equal pay; identifying and challenging the pay discrimination that underlies pernicious race and gender wage gaps has always been an important part of OFCCP’s enforcement efforts. The Trump’s administration’s actions undermine the basic premise that federal contractors benefitting from taxpayer dollars should be protecting their workers from race, color, religion, sex, sexual orientation, gender identity, and national origin discrimination at work.

Trump’s proposed elimination of OFCCP also seeks to end its core responsibilities under Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). The budget would move enforcement of VEVRAA to the Veterans’ Employment and Training Service, and Section 503 to the Equal Employment Opportunity Office (EEOC). Although VETS is responsible for enforcing the Uniformed Services Employment and Reemployment Rights Act (USERRA), enforcing VEVRAA requires different processes and expertise, because VEVRAA not only requires employment non-discrimination but also requires employers to take affirmative action to recruit, hire, promote, and retain qualified veterans. OFCCP staff have extensive training and expertise in conducting proactive compliance reviews, which neither VETS nor EEOC staff have. Transferring OFCCP’s responsibility for systemic review and analysis to the EEOC and VETS would therefore negatively impact enforcement of workers’ rights under these statutes. Paradoxically, while Trump’s budget seeks to add additional

⁷ For further explanation of EO 11246 and the role of the OFCCP, see TRUMP EXECUTIVE ORDER ATTACKS EQUAL OPPORTUNITY, NAT’L WOMEN’S LAW CENTER (Jan. 2025), <https://nwlc.org/wp-content/uploads/2025/02/NWLC-Fact-Sheet-EO-OFCCP-1.31.25.pdf>.

⁸ *OFCCP By the Numbers*, U.S. DEP’T OF LABOR (last visited Jan. 29, 2025; on file with NWLC).

responsibilities to EEOC's jurisdiction, it would drastically slash EEOC's already inadequate budget by almost \$20 million from the FY25 enacted budget.

Women's Bureau

As you know, the United States Congress created the Women's Bureau within the Department of Labor in 1920 to "formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment." For 105 years, the Women's Bureau has done just that—identifying challenges that women face in the workforce and proposing solutions and creating programs to address these challenges. As noted above, women continue to face significant inequities in the workforce, such as wage gaps; sex discrimination, including sexual assault; and barriers accessing nontraditional jobs that can offer high pay and strong benefits, such as the skilled trades.

Despite the obvious continued need for support for women in the workplace, the President's FY26 budget for DOL states that the Women's Bureau is "an ineffective policy office that is a relic of the past." And unfortunately, DOL's actions seem designed to make this a reality by eliminating staff, cancelling grants and programs intended to help women, and now going so far as seeking to entirely eliminate the Women's Bureau.

Already, two-thirds of Women's Bureau staff have been pushed out and the remaining staff is under threat of reductions in force. DOL has also worked with DOGE to cancel almost all of Women's Bureau grants, which helped train women for in-demand, high-paying jobs in industries such as construction, manufacturing, and tech; address and prevent violence and harassment at work; and increase access to paid leave. The grant terminations included the Women in Apprenticeship and Nontraditional Occupations (WANTO) Grant Program, which was statutorily mandated by Congress in 1992 and has opened opportunities for thousands of women for over 30 years.⁹ WANTO is intended to expand opportunities for women in every region in America and in all industries, including advanced manufacturing, an industry to which this administration has made a public commitment.

⁹ DOL did not cancel the WANTO grant protected by a preliminary injunction issued by a federal court. *See Chicago Women in Trades v. Trump et al.*, No. 25 C 2005, Mem. Op. & Order at 41 (Apr. 14, 2025, N.D. Ill.) (prohibiting the DOL from canceling plaintiff's WANTO grant on the basis that it would likely violate the Constitutional guarantee of separation of powers).

Underlying these actions are the Trump administration's attacks on civil rights, which misrepresent "DEI" as illegal discrimination.¹⁰ By embracing the attacks on diversity, equity and inclusion, DOL is attacking the ability of women to access better paying jobs and build towards a better economic future.

Wage and Hour Protections

Today, women make up nearly two-thirds of workers in the lowest paying jobs, and women of color are particularly overrepresented.¹¹ Women also represent roughly two-thirds of tipped workers, who have higher rates of poverty and are more susceptible to wage theft due to the two-tiered wage system in federal law.¹² Many women are working full time and trying to support families on these wages, but their paychecks are often simply inadequate to meet basic needs, such as renting an apartment, buying groceries, or paying for child care. The overrepresentation of women in low-paid jobs is an important driver of the gender wage gap and leaves many families below the poverty line. Robust enforcement of wage and hour protections is needed to help support women and their families.

Wage Theft

DOL's Wage and Hour Division plays a critical role in combating wage theft and ensuring workers get the pay they are owed. They cannot do that critical work without enough staff in our local communities to investigate alleged violations and work with businesses on complying with the law. Therefore, it is concerning that the President's FY26 budget proposes to slash the agency's budget by \$25 million, leaving the agency with 250 fewer full-time employees.

When workers aren't paid the minimum wage and overtime they are owed when they are owed it, the employer violates the law. We know that this loss of pay means workers might fall behind on rent or struggle to buy groceries. Because women are overrepresented in low-paid jobs, they are especially vulnerable to wage theft and exploitation and are often reluctant to report

¹⁰ See Claire Savage and Alexandra Olson, *Trump's anti-DEI battle threatens nonprofits trying to fill critical labor gaps*, ABC10 (May 12, 2025), <https://www.abc10.com/article/news/nation-world/trumps-anti-dei-battle-threatens-nonprofits-trying-fill-critical-labor-gaps/507-1fc23505-2ccc-4622-aea5-fd534f954085>.

¹¹ NAT'L WOMEN'S LAW CENTER, THE RAISE THE WAGE ACT: VALUING WORKING PEOPLE AND ADVANCING EQUAL PAY, (Apr. 2025), [The Raise the Wage Act: Valuing Working People and Advancing Equal Pay - National Women's Law Center](https://nwlc.org/wp-content/uploads/2024/06/Tipped-Workers-Law-Center).

¹² SARAH JAVAID, NAT'L WOMEN'S LAW CENTER, ONE FAIR WAGE: WOMEN FARE BETTER IN STATES WITH EQUAL TREATMENT FOR TIPPED WORKERS (2024), <https://nwlc.org/wp-content/uploads/2024/06/Tipped-Workers-FS-2024.6.12v1.pdf>.

violations for fear of retaliation.¹³ Under the law, when employers fail to pay workers, they are liable for any unpaid minimum wage and overtime *plus* an equal amount in damages, essentially doubling the amount owed. Under the first Trump administration, DOL launched the Payroll Audit Independent Determination (PAID) Program, which relied on employers to voluntarily audit themselves and come forward to report their own payroll violations. This program let employers off the hook for paying workers full damages if they self-reported violations. We are concerned that the Trump DOL will pursue similar programs again.

Misclassification

When Congress passed the Fair Labor Standards Act (FLSA) nearly 90 years ago, it included a broad definition of “employee” to ensure a wide net of workers have basic workplace protections. But the Trump DOL seems intent on using a standard that limits the number of workers classified as employees for the cases it investigates. In May, the Wage and Hour Division said it would no longer enforce the 2024 interpretive rule that helps reduce the risk that employees are misclassified as independent contractors with no rights under the law.¹⁴ Instead, they are reviving previous guidance that conflicts with the law. The Department’s new enforcement policy could have the effect of denying workers the protections to which they are entitled. Misclassifying employees as independent contractors prevents them from being covered by the basic workplace rights and protections provided under the FLSA, including overtime and minimum wage protections, protections for nursing employees, and equal pay protections, as well as protections under other laws, such as the Family and Medical Leave Act (FMLA) and federal anti-discrimination protections, including protections against sexual harassment. This has deep implications for women and workers of color, who are overrepresented in low-paid jobs where employers are more likely to misclassify employees as independent contractors.

For example, the FLSA has provisions guaranteeing workers the right to take breaks to pump breast milk in a private space while at work. A few years ago, Congress amended the law on a bipartisan basis to extend these rights to millions more workers. Facilitating the misclassification of workers will lead to more new mothers facing denial of their right to pump time under FLSA. Another example is FMLA, which provides unpaid, job-protected leave. FMLA relies on the FLSA’s definition of “employee” so DOL’s enforcement policy may also lead to workers losing

¹³ See NAT’L EMPLOYMENT LAW PROJECT, WORKERS LOSE BILLIONS IN UNPAID WAGES EVERY YEAR (July 2023), <https://www.nelp.org/app/uploads/2023/07/Workers-Lose-Billions-Unpaid-Wages-Every-Year.pdf>.

¹⁴ U.S. Department of Labor Issues Guidance on Independent Contractor Misclassification Enforcement, U.S. DEP’T OF LABOR (May 1, 2025), <https://www.dol.gov/newsroom/releases/whd/whd20250501>.

their right to family and medical leave. Family and medical leave is particularly important for women, who disproportionately bear responsibility for child¹⁵ and elder care.¹⁶

Overtime rule

Because women, and especially women of color, disproportionately hold lower-paying jobs and serve as the primary caregivers for their families, strong overtime standards are critically important to women. For far too long, employers have taken advantage of weak overtime rules to make their salaried employees work more hours for less pay. The Biden administration modernized the overtime rule, which would have benefited an estimated 4.3 million workers—most of whom are women. The overtime rule has been challenged in litigation, but instead of continuing its defense of the rule, the Trump DOL has sought to pause its appeals of rulings blocking the overtime rule.

Conclusion

We appreciate the opportunity to share our concerns regarding the Trump DOL’s attacks on equal employment opportunities, civil rights and wage protections. The Trump Administration’s regressive anti-worker agenda threatens the economic security, safety, and well-being of everyone, endangering women and their families and workers everywhere.

¹⁵ NWLC calculations using U.S. Department of Labor, BLS, 2023 American Time Use Survey (ATUS), “Table 9. Time adults spent caring for household children as a primary activity by sex, age, and day of week, 2023 annual averages,” June 27, 2024, <https://www.bls.gov/news.release/atus.t09.htm>.

¹⁶ 2023 BLS ATUS “Unpaid Eldercare in the United States--2021-2022 Summary,” September 21, 2023, <https://www.bls.gov/news.release/elcare.nr0.htm>.