



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of Commissioner
Charlotte A. Burrows

Statement of Commissioner Charlotte A. Burrows
on U.S. Equal Employment Opportunity Commission's Vote to
Upend its Conciliation Procedures

August 18, 2020

I am deeply disappointed that the U.S. Equal Employment Opportunity Commission voted today to upend the Commission's vital conciliation process. Conciliation impacts the right of every employee to be free from discrimination, harassment, and retaliation at work. The EEOC uses conciliation to resolve charges of discrimination on behalf of thousands of working men and women each year. If finalized, the proposed conciliation guidelines advanced today would have a devastating impact on the EEOC's ability to prevent and remedy discrimination.

The proposed guidelines are deeply flawed. While I strongly support resolving charges quickly when it serves justice, conciliation is not an end in itself. Resolving cases early can be win-win for workers and employers. But a quick settlement isn't always a fair settlement. By law, EEOC's job is not to settle at any cost. Our job is to get a fair resolution that eliminates unlawful discrimination. The proposal the Commission advanced today would undermine to a shocking degree the Commission's ability to eliminate discrimination by bogging the agency down in red tape. It would adopt burdensome requirements that the Supreme Court has unanimously held are unnecessary. Worst of all, it would require the Commission to disclose privileged information and reveal the names of witnesses and victims brave enough to aid our investigations.

Given the challenges facing American workers today, including increased unemployment, the COVID-19 pandemic, and the need to address all forms of systemic discrimination, EEOC's work in advancing civil rights is as important as ever. The proposal is a slap in the face of working people and would significantly weaken the EEOC's efforts to advance civil rights.

The proposed guidelines will soon be released to the public for notice and comment. Unfortunately, despite my objection, the Commission is allowing only 30 days for comment, instead of the 60 or more days it has usually allowed for comment during the pandemic. When they are released, I urge the public to carefully review and comment on the EEOC's proposed guidelines. I will continue working to improve this proposal before the Commission adopts a final version.

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