



Highlights of [GAO-08-799](#), a report to congressional requesters

Why GAO Did This Study

In 2003, GAO found that women, on average, earned 80 percent of what men earned in 2000 and workplace discrimination may be one contributing factor. The Equal Employment Opportunity Commission (EEOC) and the Department of Labor (Labor) enforce several laws intended to prevent gender pay discrimination. GAO examined (1) how EEOC enforces laws addressing gender pay disparities among private sector employers and provides outreach and what is known about its performance, and (2) how Labor enforces laws addressing gender pay disparities among federal contractors and provides outreach and what is known about its performance. GAO analyzed relevant laws, regulations, monitoring reports, and agency enforcement data and conducted interviews at the agencies' central offices and two field offices experienced in gender pay cases.

What GAO Recommends

GAO recommends that EEOC and OFCCP monitor performance of their enforcement efforts related to gender pay and that OFCCP ensure its planned new data system uses reliable data, measure performance of its outreach efforts, evaluate the mathematical model used to target contractors, provide links between pertinent guidance, and devise a unique violation code to track any non-compliance with the self-evaluation requirement. EEOC agreed with GAO's recommendation; Labor neither agreed nor disagreed; and both provided additional perspective on their enforcement efforts.

To view the full product, including the scope and methodology, click on [GAO-08-799](#). For more information, contact Anne-Marie Lasowski on (202) 512-7215, or at lasowskia@gao.gov.

WOMEN'S EARNINGS

Federal Agencies Should Better Monitor Their Performance in Enforcing Anti-Discrimination Laws

What GAO Found

EEOC addresses gender pay discrimination primarily by responding to individual charges, initiating investigations, and conducting outreach, but the agency does not fully monitor gender pay enforcement efforts. EEOC prioritizes incoming charges of discrimination against employers that appear to merit further investigation, and GAO's analysis of EEOC data showed that charges of gender pay discrimination were prioritized for investigation more frequently than non-gender pay charges. EEOC collects detailed information on all its enforcement efforts and uses these data to monitor enforcement performance overall as well as by statute, including one statute dedicated to gender pay. However, EEOC does not monitor gender pay enforcement efforts under another statute that covers multiple discrimination topics and under which more than half of gender pay charges are filed. As a result, EEOC does not make complete use of available information to help identify trends related to gender pay cases, set agency priorities, or understand how its gender pay enforcement efforts are contributing to overall performance goals relative to other efforts. EEOC also conducts both fee-based and free outreach on a broad range of topics, which can include gender pay. EEOC monitors the number and type of free outreach activities and holds itself accountable for providing outreach to both employers and employees and obtaining high audience ratings on some fee-based outreach.

Labor's Office of Federal Contract Compliance Programs (OFCCP) conducts compliance evaluations targeted to federal contractors based on whether they may be engaging in systemic discrimination, but efforts to monitor the performance of enforcement and outreach activities are limited. OFCCP uses a mathematical model to select contractors for review based on the likelihood of noncompliance, but it has not yet evaluated the model for how well it predicts systemic discrimination due to resource constraints. In addition, regulations require contractors to conduct a self-evaluation of their compensation systems to identify and address gender pay disparities. However, OFCCP's guidance on this is found in different source documents that are not cross-referenced, and its data system lacks a unique code to help the agency easily determine the extent to which contractors are complying with the self-evaluation requirement. While OFCCP collects enforcement data by type of discrimination and monitors enforcement performance overall, it does not monitor enforcement trends and performance outcomes regarding gender pay or other specific areas of discrimination. Even if it were to do so, questionable reliability of certain enforcement data undermines performance monitoring. As a result, OFCCP may have difficulty determining how best to prioritize its resources among the different types of discrimination it addresses. To increase awareness of anti-discrimination laws, OFCCP also conducts outreach to federal contractors on topics that include gender pay. OFCCP holds itself accountable for achieving a targeted number of events, but does not systematically gather recipient feedback and use it to measure the quality of its outreach efforts. In contrast, Labor's Women's Bureau, which also provides outreach to working women, sets performance targets and systematically measures its impact.