



LIVINGHR | Q4 2023

The Inside Scoop

By Alexia Benner (she/her)

It's beginning to look a lot like compliance updates!

Almost as exciting as all the twinkling lights and bright spirits of the impending holiday season.

If you're new here, every quarter I take some festive and sometimes feisty compliance topics and break them down in a somewhat entertaining, and hopefully much more understandable, way.

Oh and hey, if you see something in blue, it means it's a clickable link that takes you to the source material.



Festive Friendships

In September, the U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Labor's Wage and Hour Division (DOL/WHD) were all, "hey, let's be besties and make it official."

So they signed a **memorandum of understanding (MOU)** (basically a non-binding outline of the agreement between 2 or more parties) to "enhance and maximize the enforcement of federal laws and regulations."

And the rumor mills suggest the NLRB may want in on this friendship, especially on the heels of our next topic. TBD whether they wear pink on Wednesdays.

What does all this mean?

Basically, these agencies sketched out ways they're going to work together to make sure that employees are paid and treated fairly, and how they're going to hold employers accountable if they don't follow the laws.

Think: cross training, helping auditors and investigators spot things outside of their normal scope.





Well That Doesn't Sound Great. Now What?

You want to revisit the foundational compliance aspects of what you're doing, and make sure they are 100% up-to-code. No assumptions – better to make a list and check it twice than to have a DOL investigator tell you differently, then phone a friend from the EEOC because they spotted something else. And we're talking spring cleaning style checking – you're going to dig deep, look at alllllll the records and be fully sure.

Don't have the time?

Don't blame you.

We can definitely help you here – we have a whole process built out already to look at all the things, a lot of very skilled people that do this a lot, and our phone-a-friends are fabulous attorneys who will make it light work to get things straightened out if needed. If a gov auditor comes knocking on your door, this is not when you want your dreidel to land on Gimel (for my non-Jewish friends, this is basically winning the whole pot, or everything).

We want them to find Nun here – nothing.

EEOC is Busier Than Santa's Elves

Right after they made their friendship with the DOL official, the EEOC released their **strategic enforcement plan** for the next 4 years. It's kind of like how NORAD tells us where Santa's sleigh is (only not as exciting to watch).

So what are they up to? They are not having it with the hate, they've made that crystal clear. They're planning to target discrimination, bias, and hate directed against religious minorities, racial or ethnic groups, and LGBTQIA+ individuals. They're expanding protections for vulnerable workers and want to make sure people know what their rights are. They're looking at AI and other tech to make sure we're not treating people like those reindeer treated Rudolph.



Guidance, Please

If you have Diversity, Equity, and Inclusion (DEIB) efforts in place currently, you want to continue to move forward. There is a way to do it that doesn't run afoul of the laws in certain states, so I might suggest working with professionals (ahem, us) who can help navigate through the requirements while still moving forward. You'll also want to take a look at your current policies, practices, and how you're using AI to make sure you're not accidentally causing harm to certain groups.

On a very serious note, if antisemitism and Islamaphobia rear their ugly heads at work, please take those very seriously and address immediately. If you aren't sure how, we can help. Work should be safe for ALL people. It's a short one this go around, my holiday gift to you. And whether you celebrate Hanukkah, Nochebuena, Christmas, or Kwanzaa, I hope your holidays are filled with joy and light.

Happy 2023!



Sources

EEOC and U.S. Department of Labor, Wage and Hour Division
Announce Partnership,
<https://www.eeoc.gov/newsroom/eeoc-and-us-department-labor-wage-and-hour-division-announce-partnership>

Strategic Enforcement Plan Fiscal Years 2024 – 2028,
<https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028>



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