



March 28, 2016

Naomi Barry-Perez, Director  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Ave. NW, Room N-4123  
Washington, DC 20210

**RE: RIN 1291-AA36 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act**

Dear Ms. Barry-Perez:

On behalf of Chicago Women in Trades, I write to express our strong support for the Department of Labor's (DOL) proposal to update the nondiscrimination and equal opportunity regulations implementing Section 188 of the Workforce Innovation and Opportunity Act (WIOA) to align with current law and address its application to current workforce issues. This rule has the potential to increase women's and other underrepresented groups' access to services, benefits, training, programs, and employment in and through the workforce development system. It also can work to significantly increase the participation of women in high-skill, high-wage jobs in male-dominated fields by not just promoting non-discrimination and equal employment opportunity, but by also proposing guidelines for affirmative action similar to those found in the apprenticeship regulations 29.30 and in the Executive Order 11246. Through these measures, DOL can actively work to ensure the WIOA system does not perpetuate or reinforce, but in fact helps to end - occupational gender segregation and the gender pay gap.

Founded in 1981, Chicago Women in Trades (CWIT) is a nonprofit organization committed to improving women's economic equity by increasing the number of women working in well-paid, skilled trades jobs traditionally held by men. Originally established by tradeswomen as a support network, CWIT addresses the barriers that prohibit women and girls from entering and succeeding in male-dominated industries by creating opportunities and promoting equitable workplaces and conditions. This NPRM is especially important to CWIT, which for thirty five years, has engaged two complementary strategies, expanding the pool of women who are prepared to enter and retain jobs in nontraditional fields through direct training programs and developing research and policy initiatives and conducting technical assistance.

CWIT's advocacy and technical assistance activities aim to change the systemic and institutional policies and practices that have limited women's access to and advancement in nontraditional

careers, including to the workforce development system on improving women's inclusion into training for non-traditional jobs. Our technical assistance models, tools and resources are designed to improve the delivery of services that help the workforce system and job training redress sex-role stereotypes and occupational segregation. CWIT is nationally recognized as one of the leading providers of technical assistance on equal opportunity to the apprenticeship and workforce system, and has been a recipient of federal, state and local funding for both direct service programming, research and technical assistance. CWIT is well-versed in the workforce system, having provided leadership while serving on a local and a state workforce board. CWIT has regularly offered public testimony and policy briefs to encourage the workforce preparation systems to improve women's equitable access and participation. It is based on this track record of practice, research and policy recommendations that CWIT submits the following comments to strengthen the regulations ability to be a prominent force in eliminating occupational segregation in the workforce system.

We commend DOL for explicitly recognizing sex stereotyping as sex discrimination and for making clear that complaints of discrimination based on sex stereotyping shall be treated as complaints of sex discrimination. Sex-based stereotypes remain a serious obstacle to women's entry into and success in the workplace and are particularly problematic in the context of WIOA programs and activities. Outdated assumptions about women not being breadwinners in their families and about who should be responsible for family caregiving contribute to occupational gender segregation, as do assumptions about the work that interests women and the work women are qualified to do. Women make up only a very small share of workers in many higher-paying jobs such as the skilled trades;<sup>1</sup> their limited access begins early in their careers and is perpetuated by gender- and sex-based stereotypes. For example, women face discrimination in pre-apprenticeship and apprenticeship programs for the skilled trades.<sup>2</sup> In career and technical education, women are concentrated in programs that lead to generally low-paying occupations like childcare workers, cosmetologists, and medical assistants.<sup>3</sup>

Unfortunately, research has shown that federal workforce development programs reinforce occupational segregation. Nearly 48 percent of women receive training services for "sales and clerical" or "service" jobs, compared to 14.6 percent of men.<sup>4</sup> By contrast, 6 percent of women receive training in "installation, repair, production, transportation, or material moving," or "farming, fishing, forestry, construction, and extraction" skills, compared to 52.6 percent of

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<sup>1</sup> Women make up only 2.6 percent of workers in the construction and extraction industries, where the median hourly wage of \$19.55 is nearly double the median hourly wage for female-dominated occupations like home health aides, maids, housekeepers, and child care workers. See *WOMEN IN CONSTRUCTION*, *supra* note 6. Additionally, women make up only 1.3 percent of bricklayers, plumbers, pipefitters and steamfitters who earn a median hourly wage of \$22.82; 1.8 percent of automotive body and related repairers who earn a median hourly wage of \$18.45; and 2.2 percent of electricians who earn a median hourly wage of \$23.96. See U.S. Department of Labor, Nontraditional Occupations for Women in 2009, available at [http://www.dol.gov/wb/factsheets/nontra2009\\_txt.htm](http://www.dol.gov/wb/factsheets/nontra2009_txt.htm).

<sup>2</sup> ARIANE HEGEWISCH & BRIGID O'FARRELL, *WOMEN IN THE CONSTRUCTION TRADES: EARNINGS, WORKPLACE DISCRIMINATION, AND THE PROMISE OF GREEN JOBS* (April 2015), available at <http://www.iwpr.org/about/staff-and-board/ariane-hegewisch>.

<sup>3</sup> NAT'L COAL. FOR WOMEN & GIRLS IN EDUC. & NAT'L JOBS & JOB TRAINING, *EDUCATION DATA SHOW GENDER GAP IN CAREER PREPARATION 2* (Mar. 2013), available at [http://www.nwlc.org/sites/default/files/pdfs/ncwge\\_report\\_on\\_gender\\_gap\\_in\\_career\\_preparation.pdf](http://www.nwlc.org/sites/default/files/pdfs/ncwge_report_on_gender_gap_in_career_preparation.pdf).

<sup>4</sup> IWPR, *supra* note 11.

men.<sup>5</sup> As a result, data published by DOL shows that women's quarterly earnings are substantially lower than men's once they exit federal workforce training services: in 2011, the gender wage gap in earnings between women and men four quarters after they received Workforce Investment Act (WIA)-funded services (the recent predecessor to WIOA) was 74.6 percent (a gap of \$1,789 per quarter) among the general population of WIA service recipients, and 76.4 percent (a gap of \$2,078 per quarter) for women and men who received services under the 'dislocated workers' programs.<sup>6</sup>

The underrepresentation of women in traditionally male-dominated, higher-wage fields cannot be explained away simply by pointing to occupational choice.<sup>7</sup> Sex-based stereotypes regarding the type of work that women should perform, isolation, active discouragement, harassment, unequal job training, outright exclusion, and lack of information about alternative job options are all barriers to women's entry into higher-wage jobs that are nontraditional for their gender.<sup>8</sup> While research conducted on occupational training and counseling decisions of low-income women found that many women said they were not interested in nontraditional skills, "women who said they would be interested in nontraditional training significantly outnumbered women who were actually referred to nontraditional job training."<sup>9</sup> Indeed, the research showed that many counselors were unlikely to proactively suggest alternative programs that might lead to higher earnings.<sup>10</sup> Many of the women surveyed said they might have pursued training for different occupations had they seen more detailed information about potential earnings and benefits.<sup>11</sup>

In focus groups conducted by CWIT with local One-Stop Career Centers, staff reported that they did not know how to assess female clients for skilled jobs in construction and manufacturing and had little information about the entry routes, requirements and benefits of jobs in these fields. Women who lack information and exposure to role models- women working in nontraditional jobs - are unlikely to request and receive assistance in entering a male-dominated field or skilled trade. Without direction from either the provider or participant, women who access the workforce development system are most often steered towards traditional female careers, and

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<sup>5</sup> *Id.*

<sup>6</sup> INST. FOR WOMEN'S POLICY RESEARCH (IWPR), WORKFORCE INVESTMENT SYSTEM REINFORCES OCCUPATIONAL GENDER SEGREGATION AND THE GENDER WAGE GAP (June 2013), *available at* <http://www.iwpr.org/publications/pubs/workforce-investment-system-reinforces-occupational-gender-segregation-and-the-gender-wage-gap>.

<sup>7</sup> See NAT'L WOMEN'S LAW CTR., FAQ ABOUT THE WAGE GAP (2015), *available at* [http://nwlc.org/wp-content/uploads/2015/08/faq\\_about\\_the\\_wage\\_gap\\_9.23.15.pdf](http://nwlc.org/wp-content/uploads/2015/08/faq_about_the_wage_gap_9.23.15.pdf); AM. ASS'N OF UNIV. WOMEN, THE SIMPLE TRUTH ABOUT THE GENDER PAY GAP 8 (2016), *available at* [http://www.aauw.org/files/2016/02/SimpleTruth\\_Spring2016.pdf/](http://www.aauw.org/files/2016/02/SimpleTruth_Spring2016.pdf/).

<sup>8</sup> U.S. DEPARTMENT OF LABOR ADVISORY COMM. ON OCCUPATIONAL SAFETY & HEALTH, WOMEN IN THE CONSTRUCTION WORKPLACE: PROVIDING EQUITABLE SAFETY AND HEALTH PROTECTION (June 1999), *available at* <https://www.osha.gov/doc/accsh/haswicformal.html> (explaining that continued isolation, sexual discrimination, and harassment created a hostile environment and affected the safety of construction worksites); *see also* Phyllis Kernoff Mansfield et al., *The Job Climate for Women in Traditionally Male Blue-Collar Occupations*, 25 SEX ROLES: J. RES. 63, 76 (1991), *available at* <http://anothersample.net/the-job-climate-for-women-in-traditionally-male-blue-collar-occupations> (explaining that women in nontraditional occupations face high levels of sexual harassment and sex discrimination, which is particularly problematic because skills in these occupations "usually are acquired during apprenticeships or on the job, and are dependent on help and support from coworkers").

<sup>9</sup> HEGEWISH & LUYRI, *supra* note 12.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

as a result, enter lower wage jobs even after training. Data from the CWIT study of the Illinois One-Stop Career Centers showed women's hourly wages at placement were \$1.48 to \$3.00 less than male participants.

Accordingly, we strongly support the inclusion of proposed § 38.7(d)(9) of discriminating against an individual because the individual "does not conform to a sex stereotype about individuals of a particular sex working in a specific job, sector, or industry." But we are deeply concerned, that given that research on the workforce development system and One-Stop Career Centers has consistently found that few female participants are directed towards male-dominated fields and are instead clustered in predominantly female, low-wage vocational training programs, that the proposed regulations do not propose recognized strategies, guidelines and best practices to eliminate the persistent occupational gender segregation in WIOA programs.<sup>12</sup> We urge DOL to specifically recognize in the Preamble to the final rule the stark gender segregation in the jobs for which women and men receive training and how this segregation results in the underrepresentation of women in higher-paid fields and curtails their opportunities and economic security.

Given the severity of occupational segregation within federal workforce development programs, maximum clarity about what sex stereotyping that leads to occupational segregation looks like is essential. Occupational segregation is a result of many factors beyond persistent gender stereotypes, myths about women's work and skills, a lack of exposure and information about options in male-dominated fields. It is also a result of the disparate impact of entrance practices and requirements and institutional policies, as well as overt and subtle discriminatory practices in training programs and workplaces. In addition, even when women manage to overcome these obstacles, they may still need additional support and case management to succeed and thrive in a male-dominated and centered training and work environment.

Accordingly, we urge DOL to include these and additional examples of the ways in which occupational segregation is perpetuated in training programs, such as the isolation of women within training programs; the tracking of women and men into certain positions within a training program based on assumptions about their capabilities and skills because of their sex; denial of, or unequal access to, networking, mentoring, and/or other individual development opportunities for women; unequal on-the-job training and/or job rotations; and applying non-uniform performance appraisals that may lead to subsequent opportunities for advancement.

CWIT has identified the principal obstacles preventing women's entrance into and success in into non-traditional occupational training, and developed the following strategies for addressing them:

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<sup>12</sup> (*Working First But Working Poor, report of the Institute for Women's Policy Research, 2001*; Few Workforce Boards and Local Workforce Investment Areas analyze data about or set plans and goals to promote women's placement into non-traditional jobs according to recent reports. (*Wider Opportunities for Women and National Association of Workforce Boards Report: What Local Workforce Boards Say about Services to Women, and the Equitable Access to Employment Services: How are Women In Illinois Being Served: Report of the Statewide Non-traditional Leadership Team and Gender Equity Advisory Committee, Illinois State Board of Education, 2002*).

- (1) Women embrace the opportunity of high-quality jobs in non-traditional industries when the advantages are made known to them, they are encouraged in pursuing these opportunities, and preparatory training and support are offered;
- (2) Trainees' long-term success increases significantly when training for non-traditional occupations is specifically targeted to women and/or addresses the unique gender issues and is customized with gender inclusive and sensitive recruitment, assessment, and instruction, and when the program offers women opportunity to connect with women as role models, mentors or ongoing support;
- (3) When supportive services are aligned with the delivery of training programs, women's likelihood of retention and success in the program increases;
- (4) When job training programs are attuned to and address a range of barriers women face when entering male-dominated fields, 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.

Given that the workforce preparation system has have been found to be particularly ill-equipped to promote non-traditional careers to female clients, CWIT recommends that these strategies, best practices and policies to combat occupational segregation are implemented via planning, policy, technical assistance and accountability. To ensure their effectiveness these elements should be explicitly addressed and described in the NPRM. We offer the following recommendations.

### **1. Assessment and Planning**

We recommend that states and workforce investment areas conduct assessments to identify the extent of occupational segregation by gender in training programs and by measuring the gender wage gap of those exiting the system. Such reviews should be used to identify a strategic plan to address the equity gap and identify the best targeted technical assistance and to guide the expansion of programming or for the greater integration of women into training. The plans should include recommendations to improve outreach, intake and assessment material and practices at the One-Stop, as well as observe how well gender-inclusive job readiness, curriculum and instruction styles are integrated into job training programs. The state shall also be required to identify any program-wide policy necessary to support women's inclusion in nontraditional jobs, review ongoing progress and identify sustainability options. DOL should require states to include in their state plan the results of their equity gap assessment and how the state will provide technical assistance, professional development and incentive funding to close identified equity gaps. DOL should also require states to provide technical assistance and professional development to local workforce investment areas, to assist them in conducting annual equity gap assessments and develop effective policies, practices and programs to close the identified gaps.

The strategic plan should also identify goals, benchmarks to measure progress and technical assistance required to address the equity gap. The strategic plan should at a minimum include the following activities:

1. Establishing goals for women's participation in job training and placement into non-traditional occupations
2. Conducting a baseline assessment of current systems, policy, practices and outcomes to assess equity gaps;
3. Establishing strategic workplans and activities to meet goals for women's participation in job training and placement into non-traditional occupations with industry partners and other public agencies at the local and state level;
4. Identifying how to best work with industry partners, workforce systems, educational institutions, and other strategic partners to ensure that women are able to enter and succeed in high-paying, blue-collar jobs;
5. Developing on-line learning opportunities and support systems for female participants that include mentorship and peer-to-peer connections;
6. Gaining One-Stop (American Job Center) management and staff commitment to and investment in gender equity from recruitment to career advancement through a variety of strategies, including professional development training; and
7. Creating sustainability plans to maintain program strategies and practices, ensure ongoing integration of a gender lens, and maintain goals and outcomes that reflect incremental increases in women's participation in programming and nontraditional employment.

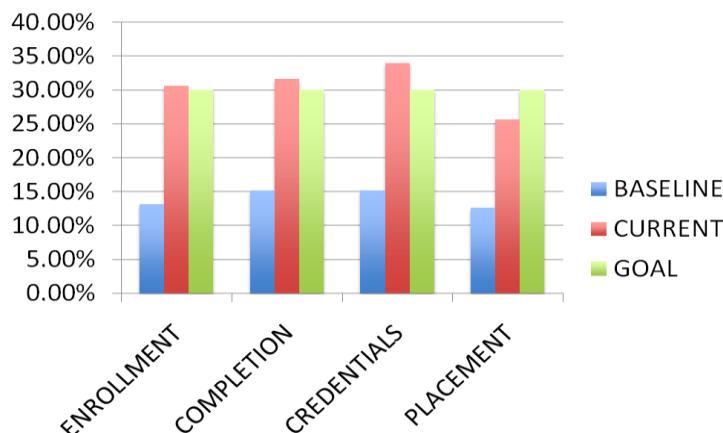
## **2. Technical Assistance**

To support these strategies and practices in a pro-active, affirmative manner CWIT recommends that each state shall provide technical assistance to public workforce staff and recipients of job training grants on best practices for including and preparing women for non-traditional employment. Such technical assistance should include activities and training designed to:

1. Identify site specific strategies for attracting/recruiting women and engaging strategic partners in reaching out to their female clients, including creating orientation programs, survey classes and preparatory courses;
2. Customize intake and assessment practices, gender-inclusive curriculum and teaching practices;
3. Develop and educate programs how to use gender targeted and inclusive policies, practices, and materials;
4. Provide professional development and technical assistance on how to add a gender lens to the core elements of programs:
  - a. Recruitment
  - b. Intake
  - c. Case management

- d. Core competencies for job readiness
- e. Instruction, classroom practices
- f. Job development
- g. Retention and career advancement;

Sample technical assistance materials and resources for best practices can be found on the Chicago Women in Trades DOL-funded technical assistance website<sup>13</sup> and in the Pink to Green Toolkit at the Jobs for the Future website.<sup>14</sup> An example of the success of a technical assistance approach can be found in two projects where Wider Opportunities for Women (WOW) offered technical assistance to two national U.S. Department of Labor green job-training grants managed by Jobs for the Future (JFF). In 22 programs spanning eight cities, WOW found that training programs rarely considered the impact of occupational segregation; nor did they have the tools to address it. However, once programs were introduced to the issues of occupational segregation, wage inequity and strategies for engaging and serving women, the programs were able to make significant inroads towards greater female inclusion, increasing the share of women's participation by as much as 100%. The table below demonstrates the impact of setting goals, combined with technical assistance in increasing women's participation.



### 3. Gender Targeted Programming

#### a. Integrating Women into Co-Ed Training

Ending occupational segregation in job training requires changing practices and affirmative action at the local level. Given that lack of information about nontraditional training opportunities has been identified as a significant reason for occupational segregation in workforce development programs, it is particularly important to include, as an example of discriminatory sex stereotyping, failing to provide information about services or training

<sup>13</sup> *Midwest Technical Assistance Center*, Chicago Women in Trades, <http://chicagowomenintrades2.org/mtac/pre-apprenticeship/training/>.

<sup>14</sup> *Pink to Green Toolkit: Section 4*, Jobs for the Future, <http://www.jff.org/initiatives/greenways/pink-green-toolkit-section-4> (last visited Jan. 19, 2016).

opportunities in the full range of services and opportunities offered by the recipient. Equal opportunity and equitable delivery of services should include conducting targeted orientations and outreach to women, survey courses, on-line materials to introduce women to non-traditional occupation training programs, and feeder courses that build women's pre-vocational skills.

Programs that are nontraditional for women should be directed to evaluate policies or practices that have an adverse impact on the basis of sex, and are not program-related and consistent with program necessity. Many of the obstacles that women face in nontraditional fields are related to job requirements or criteria that are not job-related or required as a business necessity, but disproportionately exclude, have a disparate impact and/or otherwise harm women. Requirements that have been shown to have a disparate impact on women entering and advancing in traditionally male-dominated fields include, minimum height and weight requirements that are unrelated to the job or strength requirements that exceed job necessity. Such criteria generally do not reflect actual job performance requirements, but rather stereotypical assumptions regarding job qualifications that disproportionately harm and exclude women. Where physical tests are required due to the demands of the job, accommodations that are available on job sites should be provided during the test. Interview procedures and questions can also be used as the basis for excluding certain individuals, who have met other program requirements, without some objective and uniform basis for making such determinations these also have a disparate impact on female applicants.

Programs should also be encouraged to establish role model and mentor banks, job shadowing opportunities, support groups, career clubs, and links to women's support organizations. They should also be directed to review job readiness and wrap-around case management services to ensure adequate support for women's successful participation and completion in training programs and their transition to employment.

We commend DOL for incorporating the EEOC Guidelines related to sexual harassment in §38.10 as this is a serious impediment to women's success in nontraditional jobs and job training. Women in jobs that are nontraditional for women face high rates of sexual harassment. For example, Chicago Women in Trades research found that 88 percent of female construction workers experience sexual harassment at work,<sup>15</sup> more than three times the rate of women in the general workforce.<sup>16</sup> We urge DOL to include in the training program provider's obligation to prevent and remedy sexual harassment a requirement that sexual harassment prevention policy and training should be incorporated into training program curriculum, especially in programs that train for male-dominated jobs. Examples of training curriculum in this regard are the

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<sup>15</sup> Chicago Women in Trades, *Breaking New Ground: Worksite 2000* (1992), *available at* <http://chicagowomenintradest2.org/wp-content/uploads/2015/02/Breaking-New-Ground2.pdf>; ADVISORY COMM. ON OCCUPATIONAL SAFETY & HEALTH, OCCUPATIONAL SAFETY & HEALTH ADMIN., U.S. DEP'T OF LABOR, *WOMEN IN THE CONSTRUCTION WORKPLACE: PROVIDING EQUITABLE SAFETY AND HEALTH PROTECTION* (1999), *available at* <https://www.osha.gov/doc/accsh/haswicformal.html>.

<sup>16</sup> See ABC NEWS & WASHINGTON POST, *supra* note 153.



modules included in NABTU's Multi-Craft Core Curriculum Sexual Harassment Prevention and Building Cultural Competency.<sup>17</sup>

We also agree that specifying that “[h]arassment because of sex” should be broadly interpreted to include “harassment based on gender identity and failure to comport with sex stereotypes; harassment based on pregnancy, childbirth, or related medical conditions; and sex-based harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment,”<sup>18</sup> ensures that the regulation will reach all forms of harassing behavior that interfere with an individual’s ability to feel safe while participating in or administering a WIOA program. DOL should likewise clarify that a recipient is liable for harassment by other program participants if it was negligent in addressing the harassment; that is, if it knew or had reason to know about the harassing conduct and failed to stop it.<sup>19</sup>

CWIT further recommends that job training programs that are nontraditional for women be required to provide training on cultural and gender competence to their personnel, as well as to the trainees. For equal employment opportunity standards and policies to be effective in recruiting and retaining a diverse group of participants, shifts in behavior and practices are required. Even when personnel are willing to adhere to such policies, they may not have the experience or training necessary to act in a culturally competent manner. Training on cultural competency complements EEO/AA policies by providing personnel a set of tools, knowledge and skills to take into the selection process and classroom.

Moreover, this training is an important mechanism for addressing the behaviors, practices, statements, and/or actions that in many cases may be unintentional or taken without malice, and that, taken individually might seem slight or minor, but can cumulatively constitute severe or pervasive harassment when they are a consistent part of the work environment. Commonly referred to as micro-inequities or micro-aggressions, these behaviors may not rise to the level of overt discrimination or harassment, but can still have a deleterious impact over time on underrepresented groups, causing them to feel excluded and unsupported in the apprenticeship program and on the worksite, which negatively affects retention.

We recommend that the regulations address these issues by offering concrete examples and guidelines for best practices and standards that promote gender equity and inclusion in training programs, to include:

- Designing outreach and recruitment plans that will attract and engage women applicants;

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<sup>17</sup> *Pink to Green Toolkit: Section 41*, Jobs for the Future, <http://www.jff.org/initiatives/greenways/pink-green-toolkit-section-41>.

<sup>18</sup> Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA, 81 Fed. Reg. at 4553 (§38.10(b)).

<sup>19</sup> See *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742, 759 (1998) (“[A]n employer can be liable [] where its own negligence is a cause of the harassment. An employer is negligent with respect to sexual harassment if it knew or should have known about the conduct and failed to stop it.”).

- Setting goals for the number of women applicants, participants, graduates and placements;
- Establishing policies and professional development practices to build staff capacity to support and serve traditionally underrepresented groups;
- Training staff on the impact of gender stereotypes and hidden biases and the need for gender and culturally sensitive teaching practices;
- Providing examples of underrepresented groups in training materials and throughout the training facility;
- Engaging a diverse teaching and support staff reflective of women and people of color;
- Adding a gender lens to core competencies for work readiness;
- Employing gender-targeted lesson plans on topics related to sexual harassment prevention, cultural competency, and health and safety;
- Facilitating informal support groups, mentoring, peer counseling, and networking activities;
- Avoiding isolating individuals from underrepresented groups: safety and support in numbers has demonstrated evidence-based positive outcomes;

We recommend that the NPRM reference training guidelines and materials and other online resources available for these purposes at “The Midwest Technical Assistance Center website<sup>20</sup>.

#### b. Gender Specific Programming

Importantly, while women also benefit from integration into training programs where they have been under-represented, programs that specifically and solely train women for non-traditional jobs are an important and effective strategy in tackling occupational segregation.<sup>21</sup> A research study reviewed women’s workforce participation data in cities that had programs funded by one of the two federal grant initiatives that supported non-traditional training for women (the Non-traditional Employment for Women Act (NEW) and the Women in Apprenticable and Non-traditional Occupations Act (WANTO)). In cities where a WANTO or NEW program was implemented, the research demonstrated that women in those cities were 25 % more likely than women in sites without such programming to hold a non-traditional job. Even years after the funding ended, women were still more likely to hold non-traditional jobs.<sup>22</sup>

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<sup>20</sup> *Midwest Technical Assistance Center*, Chicago Women in Trades, <http://chicagowomenintrades2.org/mtac/pre-apprenticeship/training/>.

<sup>21</sup> O’Farrell, Brigid. “The NEW Demonstration Program: Informational Materials for The Workforce Investment Community: Draft.” Document prepared for the Women’s Bureau of the U.S. Department of Labor. Women’s Research & Education Institute, May 2000.

O’Farrell, Brigid. “The WANTO Technical Assistance Program: Informational Materials for Employers and Unions: Draft.” Document prepared for the Women’s Bureau of the U.S. Department of Labor. Women’s Research & Education Institute, May 2000.

<sup>22</sup> Mastracci, Sharon H. “Labor And Service Delivery: Training Programs for Women in Non-traditional Occupations” University of Texas at Austin, 2001.

Yet, there are only a few of these organizations across the country, and they are all underfunded and usually operated outside of the context of the formal workforce development system. These few programs are geographically limited and have difficulties maintaining, let alone expanding, programs even as demand for services increases among women and industry partners.<sup>23</sup> Hence, the scope of their training and the number of women they can serve is extremely limited.

Changes in vocational education and workforce development legislation resulted in the closing of more than twenty non-traditional training programs in 12 states since 2003, including Massachusetts, Michigan, California, Wisconsin, Connecticut, Illinois, Texas, Ohio, Pennsylvania and Iowa.<sup>24</sup> Recent budget constraints regularly threaten WANTO, the only remaining dedicated federal resource for training women in non-traditional jobs. While critical and highly effective, WANTO is an extremely limited resource, providing less than \$1 million annually in competitive awards to only 3 to 5 programs across the entire country. These civil rights and EEO regulations for WIOA should address this gap by encouraging states and local workforce areas to use funding to address their equity gaps by establishing nontraditional training programs for women.

#### **4. Accountability and Compliance**

CWIT suggests that states and locals workforce systems be required to report on their gender equity gap analysis and how funds have been used to improve programs and close equity gaps. We strongly urge DOL to require those states, workforce system areas, job training programs that demonstrate a gender equity wage gap at placement or underrepresentation of women in training programs for jobs in traditionally male-dominated fields to develop written affirmative action/gender equity plans. Such a requirement will facilitate EEO compliance. The proposed rule should also strongly encourage the establishment of targeted programs to prepare women for nontraditional jobs as a demonstration of affirmative action to combat occupational segregation.

Because it may be difficult for job training programs to find deficiencies with regard to outreach, recruitment, and retention and/or obtain the necessary technical assistance to remedy such deficiencies, CWIT recommends that programs with underutilization undergo periodic external review to ensure appropriate EEO/AA plans with respect to outreach, recruitment, and retention activities are in place and that best practices are being implemented, measured and evaluated. We also recommend that DOL focus its compliance reviews on recipients conducting job training for industries with the highest rate of gender segregation or on areas where the wage at placement disparity by gender is greatest. This prioritization will ensure a quick accountability for the worst offenders and that recipients who have the privilege of receiving federal funding are following the law.

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<sup>23</sup> *Rosie the Riveter Did It! Teresa the Tradeswoman Can Too! Women Can Work to Rebuild our Economy And Build Equal Opportunity and Economic Equity*. Tradeswomen Now and Tomorrow.

<sup>24</sup> *Invisible Again: The Impact of Changes in Federal Funding on Vocational Programs for Women and Girls*, a report of the National Coalition for Women and Girls in Education, 2001

We commend DOL for requiring recipients to collect data and records, which is essential for ensuring recipient compliance and for moving WIOA programs away from reinforcing gender inequities and towards promoting gender equality and women's economic security. This data should also be cross-tabulated so that recipients and DOL can more readily evaluate the utilization of WIOA services and programs by men or women of a particular racial or ethnic group. Collecting data cross-tabulated by race, sex, and ethnicity would ensure that a recipient's data and records do not mask the barriers to WIOA service access and participation faced by subgroups of individuals, such as African American women or Latinas. 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. Clarifying that the proposed regulations require the cross-tabulation of 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 recipients be presented in a format that is more helpful and useful.

DOL should invest in training its investigators on how to identify and examine cases alleging discrimination based on sex as described in the updated proposed rules.

Given the federal workforce development system's history of reinforcing gender inequities, it is crucial that DOL enact final regulations that include the strongest possible nondiscrimination protections as well as affirmative measures to end these disparities and redress occupational segregation. Moreover, issuing these changes as regulations rather than guidelines will help hold recipients accountable for discrimination or gaps in equity. The regulations are an important step towards providing women with full economic equity and equitable treatment in jobs and job training. We thank you for the opportunity to provide comments on these important regulations.

Sincerely,

Lauren Sugerman  
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