

Responses to Potential Sponsors' Concerns About Equal Employment Opportunity in Apprenticeship

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At a Glance

Organizations considering registering an apprenticeship program often have concerns about what apprenticeship equal employment opportunity regulations mean for them. These talking points address many of their frequently-asked questions.

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Acknowledgments

About JFF

JFF is a national nonprofit that drives transformation in the American workforce and education systems. For more than 35 years, JFF has led the way in designing innovative and scalable solutions that create access to economic advancement for all. www.jff.org

About the Author

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Introduction

Becoming a Registered Apprenticeship program means a program must follow U.S. Department of Labor regulations found at 29 CFR part 29 and 29 CFR part 30 (or a state counterpart).

[29 CFR part 30](#) is known as the “Apprenticeship equal employment opportunity regulation.” It requires Registered Apprenticeship programs not to discriminate against apprentices or apprenticeship applicants on the basis of race, color, national origin, religion, sex, sexual orientation, disability, age (40 and older), and genetic information. 29 CFR part 30 also requires Registered Apprenticeship programs to take certain affirmative steps to ensure equal employment opportunity (EEO).

Programs contemplating registering often have concerns about what these apprenticeship EEO regulations mean for them. The talking points below address these frequently-asked questions and offer point-by-point solutions.

Talking Points

I’m afraid complying with these regulations will require a lot of time and attention. How much more work will this take?

The short answer: not a lot.

First, you probably already comply with many of the regulations, because you are already subject to other federal, state, or local laws that cover the nondiscrimination aspects of the regulations, such as the 1964 Civil Rights Act and the Americans with Disabilities Act.

Second, this isn’t rocket science; the affirmative steps are not complicated. Basically, you have to:

1. Designate someone in your program to be responsible for EEO;
2. Post an Equal Opportunity Pledge and hold occasional sessions to inform your apprentices and their co-workers of your commitment to EEO;
3. Notify all the recruitment sources in your area of all openings in your program;
4. Provide anti-harassment training to your apprentices and their co-workers;
5. Keep required records;

6. If you have 5 or more apprentices, create a written affirmative action plan within two years of registering your program.

Finally, there are lots of resources to help you through the process. Start by consulting:

- The Diversity, Equity, and Inclusion Team of JFF’s [Improving Diversity & Equity in Apprenticeships for Manufacturing \(IDEA-M\) project](#). Contact Emmanuel Manu, emanu@jff.org, to put you in touch with this team.
- Your [apprenticeship and training representative](#) at your registration agency (the U.S. Labor Department’s Office of Apprenticeship or your State Apprenticeship Agency).
- The great online resources listed at the end of these talking points.

Won’t complying with these requirements open me up to a greater risk of being sued for discrimination?

No. These regulations do not add potential liability. And no damages, backpay, or attorneys’ fees can be assessed for failure to comply with these regulations.

How much government oversight am I letting myself in for if I get involved with these EEO regulations?

It is true that the Apprenticeship EEO regulations add some steps that your program has to take to your existing EEO-related obligations (and thus can be reviewed for). But they do not increase the *frequency* of your program being reviewed. Unless there is a discrimination complaint, your registration agency will only review your program for compliance with both part 30 (as well as part 29) on occasion. OA’s reviews occur on average about once every 5 years.

I already comply with Equal Employment Opportunity Commission and/or Office of Federal Contract Compliance Programs (OFCCP) and/or state laws on discrimination. Isn’t that enough? Why do I have to do something *more* to comply with these apprenticeship regulations?

The Apprenticeship EEO regulations require Registered Apprenticeship programs to do a few things that the other laws don’t require, such as universal outreach, anti-harassment training, and the other items outlined above. That’s because apprenticeship programs are by definition

the entry points to skilled occupations. Everyone must have an equal opportunity to get in these doors.

If you are a federal contractor or subcontractor and have an affirmative action plan that is approved by the OFCCP, you do not have to create a separate affirmative action plan for your apprenticeship program. But you may have to tweak your existing plan to make sure it applies to your apprentices.

What penalties will I face if I am subject to these regulations but am found not in compliance?

If you are found to be not in compliance with the requirements of Registered Apprenticeship, your program *could* be deregistered. That's true of both the EEO requirements and of the other minimum Registered Apprenticeship program standards found in 29 CFR part 29. As an alternative, the registration agency could suspend your registration of new apprentices until you come into compliance.

In practice, though, registration agencies rarely deregister Registered Apprenticeship programs for noncompliance. They prefer to work with a program to help it implement its obligations under the regulations.

Do these apprenticeship EEO regulations affect who I can hire?

Hiring remains entirely your decision, as long as you do not discriminate on the basis of any of the protected characteristics.

The regulations do require you to use a fair and equitable recruitment and hiring process, use fair and work-related tests and questions when you screen candidates, and recruit from sources of diverse workers. But those practices should already be a part of your standard hiring process, enabling you to reach new talent pools, avoid unlawful discrimination, and improve the overall quality of your program.

My apprenticeship program trains sheet metal workers to fabricate metal products. This can be a physically demanding and dangerous job. How can individuals with disabilities do this job?

Bottom line: you don't have to hire someone who cannot do the job. But some applicants who have a covered disability may be fully capable of physically demanding and dangerous work. For

example, a returning veteran may have PTSD (post-traumatic stress disorder), but properly managed, this disability would not be an impediment. Depending on the nature of the work, many apprenticeship programs can accommodate many disabilities.

Applicants to my apprenticeship program have always been men. Women are just not interested in this kind of work. How can I hire women if they don't even apply?

You can encourage women to apply by actively recruiting them. For example, you can work with your community to ensure female potential applicants who meet your eligibility requirements know about openings in your program, and how to qualify. We can help you with outreach and recruitment strategies.

Having a recordkeeping system that readily allows you to see the results of your recruitment efforts will also help you figure out what works, and how to make adjustments to reach more women.

I'm uncomfortable with taking affirmative action to hire workers of color. What about the qualified white workers who have been waiting for openings in our program?

First and most important, in order to meet affirmative-action race, sex, or ethnicity goals, you do *not* have to hire people who are unqualified. In fact, doing so would be unlawful discrimination.

Second, you can diversify your applicant pool without automatically dismissing those who have previously applied by simply widening the qualified applicant pool that you draw from. And if you are a private company, unless prohibited by a collective bargaining agreement, there is no legal reason you have to keep your existing apprenticeship waiting-list at all.

Resources

Jobs for the Future

- IDEA-M Diversity, Equity, and Inclusion Team: contact Emmanuel Manu, emanu@jff.org
- Online Learning Course: [5 Initial Steps to Equal Employment Opportunity for Registered Youth and Adult Apprenticeships](#)
- Online Learning Course: [Introduction to Affirmative Action Programs for Registered Apprenticeships](#)

Office of Apprenticeship

- Federal Offices of Apprenticeship: <https://www.dol.gov/agencies/eta/apprenticeship/contact/state-offices>
- State Apprenticeship Agencies: <https://www.dol.gov/agencies/eta/apprenticeship/contact/state-agencies>
- General Apprenticeship EEO website: <https://www.dol.gov/agencies/eta/apprenticeship/eo>
- Downloadable, customizable EEO Pledge Posters: [OA's EEO Pledge and Complaints Information Poster](#)
- Plug-and-play anti-harassment trainings and other materials: [OA's suite of anti-harassment training resources](#)
- National, searchable map of recruitment sources: [Universal Outreach Tool](#)
- Disability Self-Identification: [A Guide for Apprenticeship Sponsors](#)

Chicago Women in Trades (CWIT)

- [National Center for Women's Equity in Apprenticeship and Employment](#)
- List of [Gender Equity Partners](#)

- Tips for [Outreach and Career Education](#)
- [Registered Apprenticeship Equity Survey](#)
- [Customizable Outreach Flyer](#)
- [Moving Forward: Toward Women's Equity and Inclusion in the Rail and Transit Sector](#)
- Step-by-Step EEO Toolkit for Registered Apprenticeship Programs (in development)