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August 19, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Re: The Fair Pay and Safe Workplaces Executive Order

Dear Mr. President:

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned 19 organizations, we write to applaud the signing of The Fair Pay and Safe Workplaces Executive Order. Your action demonstrates a continued commitment to improving the lives of millions of workers—helping to ensure they have access to fair pay, benefits, and working conditions. Because of this order, many hardworking Americans will be treated with greater dignity and respect in their workplaces.

By requiring that an employer's workplace violations be taken into consideration when the government awards federal contracts, it will no longer be acceptable to award federal contracts to companies that routinely violate workplace health and safety protections, engage in race and sex discrimination or withhold wages, and other labor violations. This is critically important since the Department of Labor estimates that there are roughly 24,000 businesses with federal contracts, employing about 28 million workers—at least 20 percent of the civilian workforce. By cracking down on federal contractors that break the law, this executive order will help ensure that all hardworking Americans get the fair pay and safe workplaces they deserve.

We are also pleased the executive order attempts to help contractors comply with workplace protections. Companies with labor law violations may receive early guidance on whether those violations are problematic and will have an opportunity to remedy those problems. Contracting officers will take these steps into account before awarding a contract and ensure the contractor is living up to the terms of its agreement.

The executive order will also limit the use of forced arbitration clauses involving disputes arising from Title VII and tort claims related to sexual assault and sexual harassment. This is a key advance in safeguarding workplace rights, but while a welcome step, fails to adequately protect many victims of discrimination by neglecting to include several key civil rights and employment laws. A more robust restriction on the use of forced arbitration should be contemplated. In general, forced arbitration makes dozens of antidiscrimination laws unenforceable in court, allowing employers to circumvent civil rights and labor laws intended to protect people from employment discrimination.



The executive order is a common sense measure that will make our contracting system fairer and ensure that companies receiving taxpayer-funded contracts provide basic wage and workplace standards. We look forward to participating in the regulatory process.

If you have any questions, please contact Leadership Conference Senior Counsel Lexer Quamie at (202) 466-3648 or email quamie@civilrights.org. Thank you for your commitment to improving the lives of America's workers.

Sincerely,

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AARP

American Association for Access, Equity and Diversity (AAAED)

American Association of University Women (AAUW)

American Civil Liberties Union

Bazelon Center for Mental Health Law

Demos

Equal Rights Advocates

Lawyers' Committee for Civil Rights Under Law

The Leadership Conference on Civil and Human Rights

NAACP

National Council of La Raza

National Education Association

National Employment Law Project

National Partnership for Women & Families

National Urban League

National Women's Law Center

PolicyLink

Wider Opportunities for Women

Women Employed