



Highlights of [GAO-05-195](#), a report to the Ranking Minority Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

The federal government has created a framework to provide for EEO by prohibiting unlawful discrimination based on such factors as race, color, religion, gender, national origin, age, and disability, and offers redress when discrimination and retaliation have occurred. To further EEO and help bring about a diverse workforce, federal agencies are required to carry out affirmative employment and minority recruitment programs. EEOC and OPM have primary responsibility for ensuring that the government's policies for a fair, equitable, and inclusive workplace are carried out.

In response to a congressional request that GAO provide information on the federal government's performance in promoting EEO and managing its diverse workforce, this report provides information on (1) the statutory and policy framework relating to EEO, affirmative employment, and workforce diversity and (2) the roles and responsibilities of EEOC and OPM within the framework and how these agencies carry out these roles and responsibilities.

GAO is not making recommendations in this report.

www.gao.gov/cgi-bin/getrpt?GAO-05-195.

To view the full product, including the scope and methodology, click on the link above. For more information, contact George H. Stalcup at (202) 512-9490 or StalcupG@gao.gov.

EQUAL EMPLOYMENT OPPORTUNITY

The Policy Framework in the Federal Workplace and the Roles of EEOC and OPM

What GAO Found

Various statutes, executive orders, and other executive policy form the framework of EEO policy that governs civil rights and personnel management in the federal workplace. In 1972 federal workers received statutory civil rights protections when Congress passed the Equal Employment Opportunity Act, which extended to federal workers protections under title VII of the landmark Civil Rights Act of 1964 prohibiting employment discrimination based on race, color, religion, gender, or national origin. The 1972 act also required federal agencies to establish affirmative employment programs to address the underrepresentation of minorities and women in the federal workforce. In 1973 federal employees and applicants for employment with disabilities received employment discrimination protections under the Rehabilitation Act, and federal agencies were required to prepare affirmative employment program plans for the hiring, placement, and advancement of such individuals. The Civil Service Reform Act of 1978 further underscored the government's commitment to EEO, stating that for the federal workforce to reflect the nation's diversity, federal personnel management should follow merit principles by treating employees fairly and equitably, and that personnel actions should be free from prohibited personnel practices, including discrimination. The 1978 act also required agencies to conduct a continuing recruiting program to address minority underrepresentation. Other statutes, executive orders, and executive policy are also part of the federal workplace EEO policy framework.

EEOC and OPM each play important leadership roles within this framework in ensuring EEO in the federal workplace. EEOC is responsible for enforcing federal laws prohibiting discrimination and oversees federal agencies' EEO programs, including their affirmative employment programs. OPM is the government's human capital manager and is responsible for ensuring that personnel management functions follow the merit principles, including those related to EEO. OPM is to assist agencies in carrying out their minority recruitment programs and evaluating the effectiveness of these programs in eliminating minority underrepresentation. EEOC and OPM issue regulations and directives to carry out their responsibilities and exercise oversight by reviewing federal workforce demographic data; reviewing reports from agencies on their progress in meeting program requirements; conducting on-site reviews at federal agencies; and providing technical assistance, training, and guidance. In addition, both agencies publish annual reports on program activities and workforce demographics. Although responsibility for ensuring that EEO is shared among agencies, EEOC has also been charged under statute and executive order with providing leadership and coordination to promote efficiency and eliminate conflict, competition, duplication, and inconsistency.

We provided OPM and EEOC with a draft of this report for their review and comment. OPM said that, in general, the report accurately reflects OPM's current roles and responsibilities. We clarified the report in response to EEOC's comments to indicate that this report focuses on affirmative employment and that we previously reported on EEOC's complaint process responsibilities.