



September 2017

Equal Employment Opportunities and Affirmative Action in Apprenticeship

Why Affirmative Action

The goal of “affirmative action” is to ensure an employer engages in recruitment practices that afford equal access to all individuals of a community. When practiced correctly, it can lead to a diverse workplace environment that fosters new and creative thoughts and ideas that positively impact the company’s bottom line: Companies that rank highest in racial and ethnic diversity are 35% more likely to have financial returns **above** their respective national industry medians. In 2015, diverse companies had 2.3 times *higher* cash flow per employee over a three-year period than non-diverse companies did.¹

Federal laws and regulations on affirmative action exist to encourage employers to expand their methods of recruitment beyond traditional methods such as word-of-mouth or other methods that do not reach diverse populations [and that might even be illegal².] Traditional methods of recruitment are not intentionally discriminatory, but they can have the effect of limiting access to individuals that reflect the existing employees’ profile. Affirmative Action expands the pool of recruits from which the employer can recruit talent.

Government Policy on Equal Employment

Equal Employment Opportunity (EEO) federal laws prohibit specific types of job discrimination in the workplace. Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases: race, color, religion, sex, or national origin; disability; age; sex (wages); genetics; and retaliation.³ Affirmative Action, when done correctly, is the corollary of Equal Employment Opportunity.

The Affirmative Action Plan (AAP)

Companies can work to create an environment that is nondiscriminatory and promotes equal opportunity through creation and implementation of an Affirmative Action Plan (AAP), which is customized to reflect an employer’s unique organizational structure, policies, practices, programs, and data. A good AAP should be incorporated within a company’s human resources policies. At a minimum, the AAP incorporates the following elements: the specific steps the employer will undertake to ensure equal employment opportunity (EEO), including: dissemination of the EEO policy; outreach and recruitment obligations; maintenance of a workplace that is free from harassment, intimidation, and retaliation; and assignment of an individual(s) to oversee EEO efforts.

Employers are also required to compile and maintain records in support of the AAP. Records may include collective bargaining agreements and other documents that indicate employment policies and practices; copies of letters sent to suppliers and vendors stating the EEO/affirmative action policy; copies of letters sent to recruitment sources and community organizations; and copies of contract language incorporating the regulatory EEO clause.

AAP Assistance

¹ <http://fortune.com/2017/01/18/leadership-diversity-bottom-line-career-advice/>

² See, e.g., *Jacor Broadcasting Corp.*, 12 FCC Rcd 7934, 7939 ¶14 (1997) and *Walton Broadcasting, Inc.*, 78 FCC2d 857, 875, *recon. denied*, 83 FCC2d 440 (1980) (homogeneous workplace that recruits primarily by word-of-mouth is engaged in an inherently discriminatory practice because that kind of recruitment tends to perpetuate homogeneity across generations).

³ https://www1.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf



ApprenticeshipUSA



National
Urban League

MMTC
Multicultural Media, Telecom
& Internet Council

WIA

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The WIAAI Consortium offers assistance to companies in the wireless telecommunications industry to create effective Affirmative Action Plans for their workforce. In addition, WIAAI can provide sample Affirmative Action Plans and other materials to help companies understand how best to meet their diversity and recruitment goals.

About the Consortium Members:

The National Urban League (NUL) is a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved communities. NUL serves as the WIAAI lead partner and will cultivate apprenticeship opportunities in the areas of seven of its Regional Affiliates. www.nul.org

The Wireless Infrastructure Apprenticeship Access Initiative Consortium (WIAAI) is bridging the employment gap by exposing underrepresented populations to vocations that support and strengthen America's wireless infrastructure, through Pre-Apprenticeships and Registered Apprenticeship. www.nulapprenticeships.org

The Multicultural Media, Telecom and Internet Council (MMTC) is a nonprofit organization with a 30-year track record of increasing diversity in media and telecommunications access, ownership, and employment. MMTC develops and implements the curriculum, technical assistance, and training and marketing material for DOL-approved occupations under the WIAAI Consortium, and conducts program evaluation. www.mmtconline.org

The Wireless Infrastructure Association (WIA) is the principal trade association representing over 230 companies that build, own, upgrade, and maintain the U.S. wireless communications network. WIA's role in the Consortium is to provide access to Registered Apprenticeships through identified and committed employers. www.wia.org

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