



On-Demand Employers Should Expect More EEOC Scrutiny

News

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The article, "On-Demand Employers Should Expect More EEOC Scrutiny," featured in *Law360*, discussed the U.S. Equal Employment Opportunity Commission (EEOC) intentions of ratcheting up scrutiny of nontraditional employment relationships, with an emphasis on the on-demand economy.

Rich Meneghello discussed why businesses shouldn't ignore the EEOC's intentions, given the agency's track record of following through on its priorities.

Rich said the agency's last strategic plan was in effect a blueprint for where it would devote its resources and the legal arguments it was going to make.

The EEOC is "essentially telegraphing what their actions are going to be for the next five years, and employers who ignore this current one will be doing it at their own peril," he said. "They are laying out what they are going to do, and they're not being subtle about it."

"They're jumping on the bandwagon when it comes to the gig economy, the sharing economy, because that's all everybody seems to be talking about over the last year or so," Rich said. "And the concept of joint employment, it looks like they're linking arm-in-arm with the NLRB to expand as broad as possible the definition of joint employment."

The idea is that the use of algorithms and "data scraping" in the recruitment process could have a disparate impact on certain groups of people. While this concept is relatively new, a focus on employer's recruitment tactics has existed for a long time. Decades ago, for example, there were concerns that word-of-mouth recruiting could lead to a homogenous workplace, Rich said.

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