



The EEOC Puts The Gig Economy In Its Crosshairs

Insights

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This week, the EEOC published its Strategic Enforcement Plan for 2017-2021. As in past years, the EEOC details substantive area priorities – those “activities likely to have a strategic impact in advancing equal opportunity and freedom from discrimination in the workplace.” Added to the list of Emerging and Developing Issues in this latest iteration of the document, the EEOC includes for the first time issues relating to the increasing use of alternative working relationships. Specifically, the EEOC intends to focus on issues related to temporary workers, staffing agencies, independent contractor relationships, and the on-demand economy, by “clarifying the employment relationship and the application of workplace civil rights protections in light of the increasing complexity of employment relationships and structures.”

The Plan also discusses the challenges the EEOC faces in light of the increasing number of charges and the decreasing number of investigators, noting that the agency has one-third fewer investigators today than it had in 2002 and it now takes more than 300 days on average to resolve a charge of discrimination. The EEOC also emphasizes its collaborative effort to meet its strategic priorities, acknowledging the efforts of sister agencies DOJ and DOL.

Gig employers take note: expect to see some headline-worthy developments from the EEOC expanding equal employment opportunity protections to gig workers, as it has done for LGBT workers, in the coming years.