

# **U.S. Equal Employment Opportunity Commission Language Access Plan in Accordance with Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency**

## **I. Introduction**

The U.S. Equal Employment Opportunity Commission (“EEOC” or “Commission”) was created by the landmark Civil Rights Act of 1964 in direct response to calls for racial and economic justice at the historic March on Washington for Jobs and Freedom. The EEOC is the primary federal agency responsible for enforcing federal equal employment opportunity laws (EEO laws) prohibiting employment discrimination based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, gender identity and sexual orientation), national origin, age (40 or older), disability, and genetic information (such as family medical history).

The EEOC serves the public by preventing and remedying unlawful employment discrimination and advancing equal opportunity for all in the workplace through public education, training, and outreach; investigating and resolving charges of employment discrimination; advising and providing technical assistance to employers and other covered entities, including federal agencies in understanding and complying with their responsibilities under federal EEO laws; and litigating individual, class, and systemic discrimination cases.

The Commission has long recognized that as part of these efforts, it must reach out to all segments of the nation’s workforce, including the numerous workers who read and speak languages other than English and may not be proficient in the English language.

The Commission’s Language Access Plan describes the agency’s policy and practices to provide meaningful access to Commission programs and activities to applicants, employees, employers and other covered entities, communities, and stakeholders with limited English proficient (LEP).

Critical components of the Commission’s language access efforts include conducting outreach and education on the federal anti-discrimination laws to applicants, employees, and employers with LEP, as well as developing and maintaining relationships with stakeholders with LEP and organizations that work with and on behalf of individuals and communities with LEP. In addition, the EEOC provides technical assistance to employers, including employers who have LEP or who have employees who have LEP. The EEOC also investigates, mediates, conciliates, and litigates charges filed by Charging Parties with LEP alleging discrimination. Further, the Commission’s reporting systems have been adapted to capture information about LEP-related activities, bilingual staff have been hired nationwide to increase language capacity in field offices, and field staff have been provided information on how to access language assistance services through the EEOC’s translation services contractor.

## **II. General Language Access Policy Directive**

### **A. Policy Statement**

1. It is the policy of the EEOC that all EEOC staff must take reasonable steps to provide persons with LEP with meaningful access to all EEOC programs and activities, consistent with Executive Order 13166.
2. It is the responsibility of EEOC staff and not the person with LEP to ensure that communications between the EEOC and the person are not impaired due to the limited English proficiency of the individual.
3. The EEOC will inform the public of the availability of language accessible programs and activities.

### **B. Purpose and Authority Statement**

The EEOC recognizes that when language services are not readily available to individuals with LEP, or where an individual with LEP is unaware of the availability of language assistance services, individuals with LEP will be less likely to participate in or benefit from EEOC programs and services.

Accordingly, this Plan describes the Commission's policies and practices to provide language access services to individuals with LEP. The Plan also outlines anticipated future actions to assist individuals with LEP. Pursuant to this Plan, the Commission seeks to advance equal opportunity in the workplace by reducing – to the maximum extent practicable – any barrier that limited English proficiency may pose to accessing Commission programs or activities, consistent with Executive Order 13166. The Plan applies to all EEOC employees.

This Plan establishes guidelines in accordance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, which directs all federal agencies to “examine the services [they] provide[] and develop and implement a system by which [limited English proficient] persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.”

The Plan complies with Attorney General Merrick B. Garland's November 21, 2022, memorandum to federal agencies regarding the federal government's commitment to language access obligations under Executive Order 13166. This Plan supersedes prior EEOC Language Access Plans.<sup>1</sup>

### **C. Definitions**

1. **Bilingual Staff** – An EEOC staff person who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language. For the purposes of this plan, a bilingual staff member is a staff member hired under a bilingual position description.

2. Effective Communication – Communication sufficient to provide the individual with LEP with substantially the same level of services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure that communication with an individual with LEP is as effective as communication with English proficient individuals when providing similar programs and services.
3. [Field Offices](#) - EEOC offices, other than the headquarters office, located across the country. These offices conduct administrative, enforcement, litigation, and outreach activities, and are often the first point of contact for individuals with LEP who seek information about their rights or responsibilities or would like to file a charge of discrimination.
4. Headquarters (HQ) – EEOC’s leadership, program and support offices, located in Washington, D.C.
5. Charge of Discrimination – A signed statement asserting that an employer, union, labor organization, state or local government, or educational institution, engaged in employment discrimination. It requests the EEOC to take remedial action. The signed statement is filed with the EEOC by an individual, a third party, or an EEOC Commissioner.
6. Potential Charging Party - An applicant, employee, or former employee of a private employer, state or local government, educational institution, employment agency, labor organization, or joint apprenticeship committee who is considering filing a charge of discrimination with the EEOC. A representative may file on behalf of such an applicant, employee, or former employee.
7. Charging Party – An applicant, employee, or former employee, of a private employer, state or local government, educational institution, employment agency, labor organization, or joint apprenticeship committee who files a charge of discrimination with the EEOC. A representative may file on behalf of such an applicant, employee, or former employee.
8. Complainant – A federal government applicant, employee, or former employee who files a complaint of discrimination against a federal agency through the federal sector EEO process.
9. Respondent – A private employer, federal, state, or local government, educational institution, employment agency, labor organization, or joint apprenticeship committee named in a charge of discrimination.
10. Individuals with Limited English Proficiency (LEP)– Individuals who do not speak English as their primary language and who have a limited ability to

read, write, speak, or understand English. An individual may be LEP for certain types of communication (e.g., reading or writing) and not others (e.g., speaking, or oral comprehension). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings).

11. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
12. Language Assistance Coordinators (LAC) – Designated EEOC staff who coordinate requests for language assistance services at the District Office level to ensure that offices provide meaningful access to agency programs and services to individuals with LEP within their jurisdiction.
13. Language Assistance Services – Oral and written language services to assist individuals with LEP to communicate effectively with EEOC staff, and to provide these individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Commission. Assistance includes document translation and telephonic, virtual, and in-person interpreter service.
14. Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the individual. For individuals with LEP meaningful access denotes access that is not significantly restricted, delayed, or inferior compared to programs or services provided to English proficient individuals.
15. Primary Language – An individual’s primary language is the language in which the individual most effectively communicates. An individual’s primary language may be a language variant.
16. Program or Activity – Any of the operations of the Commission.
17. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language). The translation should be done as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.
18. Vital Document – Paper or electronic written material that contains information that is critical for accessing the Commission’s programs or activities or is required by law.

### **III. Function of the Commission**

As noted above, pursuant to Executive Order 13166 and the Attorney General's November 21, 2022, memorandum, the EEOC is committed to ensuring that persons with LEP continue to have meaningful access to Commission programs and activities. To understand the EEOC programs and activities to which the Executive Order applies, the following overview of the Commission is provided.

#### **A. Enforcement**

The EEOC enforces eight [federal laws](#) that prohibit employment discrimination against applicants for employment, current employees, and former employees: Title VII of the Civil Rights Act of 1964, as amended (prohibiting discrimination on the basis of race, color, national origin, sex (including pregnancy, sexual orientation, and gender identity), or religion and requiring reasonable accommodation of sincerely held religious beliefs, practices, or observances, unless accommodation will cause an undue hardship); the Equal Pay Act of 1963 (EPA), as amended (prohibiting employers from paying different compensation to men and women performing substantially equal work in the same establishment); the Pregnancy Discrimination Act of 1978 (amending Title VII to prohibit discrimination based on pregnancy, childbirth, or related medical conditions); the Age Discrimination in Employment Act of 1967 (ADEA), as amended (prohibiting age discrimination against persons age 40 or older); Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, and Titles I and V of the Americans with Disabilities Act of 1990 (ADA), as amended (prohibiting disability discrimination and requiring reasonable accommodation of the known physical or mental limitations of a qualified individual with a disability, unless accommodation will cause an undue hardship); Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) (prohibiting discrimination based on genetic information, such as family medical history); and the Pregnant Workers Fairness Act of 2022 (PWFA) (requiring covered employers to provide reasonable accommodations to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless accommodation will cause an undue hardship). The protections guaranteed under these laws apply to all individuals regardless of a person's immigration or citizenship status.

The EEOC's programs are administered through a headquarters office in Washington, D.C., and district, field, area, and local offices located throughout the country. The EEOC has 53 offices responsible for enforcing federal employment discrimination laws in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands (St. John, St. Thomas, and St. Croix), American Samoa, Guam, the Northern Mariana Islands, and Wake Island.

#### **1. Private Sector Charge Process**

Federal employment discrimination laws cover private employers, unions, state and local governments, and educational institutions that employ a certain minimum number of individuals (generally 15). The laws also cover employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training. United States-based companies that employ American citizens outside of the United States or its territories and foreign

employers that operate in the United States or its territories are also covered by federal equal employment opportunity laws, with certain exceptions.<sup>2</sup>

Individuals who believe that they have been subjected to discrimination at work because of race, color, religion, sex (including pregnancy, childbirth, or related medical condition, sexual orientation or gender identity), national origin, age (40 or older), disability, or genetic information, or because they filed an employment discrimination complaint, participated in an employment discrimination proceeding, or reasonably opposed employment discrimination, may file a complaint of discrimination, called a “charge of discrimination.” Individuals may initiate the charge process through the EEOC’s Public Portal or at any of the agency’s field offices located across the United States. (See Online Inquiries and Intake Appointments section below).

In general, individuals must file a charge within 180 calendar days from the day the alleged discrimination took place. The 180-calendar day filing deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis. The rules are slightly different for age discrimination charges. For age discrimination, the filing deadline is only extended to 300 days if there is a state law prohibiting age discrimination in employment and a state agency or authority enforcing that law.

#### **a. Online Inquiries and Intake Appointments**

Generally, an individual contacts the EEOC to obtain information about their employment rights, to learn about the time frames for filing a complaint of discrimination (referred to as a charge of discrimination), or to learn about the charge filing process generally.

Prior to November 2017, individuals who wanted to file a charge of discrimination contacted the EEOC by phone, mail, or in person. In November 2017, the Commission launched a [Public Portal](#) which enables individuals to submit an online request for an intake interview, request an appointment with an investigator, submit documents, and review communications from the EEOC. The Public Portal has been critical to ensuring that individuals are able to access the EEOC’s services.

Spanish-speaking individuals may submit an electronic pre-charge inquiry form in Spanish to request an initial consultation with an EEOC staff member. The [link to the form](#) is on the EEOC’s [Spanish language webpage](#). The form collects the individual’s contact information, details about the nature of the alleged violation, the identity of the employer, and other pertinent facts. Once that information is received, the EEOC provides language assistance support either by using a bilingual (English and Spanish) EEOC staff person or by working with an interpreter from our translation services contractor.

In addition, individuals, including individuals with LEP, can also call 1-800-669-4000 to speak to an EEOC staff member about their employment situation and request an intake appointment. As discussed in Section IV.B.1.b. below, the EEOC contracts with a private company to provide on-demand telephonic, virtual, and on-site interpretations and document translation services by professional certified interpreters, in over 200 languages, including indigenous languages as well as languages less common in the United States.<sup>3</sup>

At the intake appointment, the potential Charging Party will speak with a field office staff member to discuss, in depth, the allegation(s) and the information presented by the individual in support of the allegation(s). The EEOC's intake staff inform potential Charging Parties on whether the allegation(s) presented fall within the EEOC's jurisdiction, and they provide them with information to determine whether to proceed with filing a charge of discrimination. The potential Charging Party may file a charge at that time. Throughout this process, an interpreter and document translation services are provided upon request, through on-demand telephonic, virtual, or on-site interpretations by certified interpreters or through EEOC's bilingual staff.

#### **b. Investigation and Resolution of Charge of Discrimination**

If an individual files a charge, the EEOC notifies the Respondent identified in the charge within 10 days of the filing date. Further processing of the charge may involve an invitation to mediate, additional investigation, or dismissal if the charge is deemed to be non-meritorious. The parties may agree to settle the Charging Party's claim(s) at any time. If the EEOC determines that further investigation will not result in finding that a violation occurred, the agency will dismiss the charge and issue a Notice of Right to Sue to the Charging Party. This Notice gives the Charging Party permission to file their own lawsuit against the Respondent. If the EEOC finds reasonable cause to believe a violation has occurred, the agency will attempt to resolve the issues through conciliation (informal and confidential settlement discussions to resolve the dispute). Conciliation is a voluntary process and neither the EEOC nor the Respondent can be forced to accept particular terms.

If conciliation is unsuccessful, the EEOC may litigate or issue a Notice of Right to Sue to the Charging Party. If the Respondent is a state or local government employer under Title VII, the ADA, GINA, or the PWFA, the charge is referred to the U.S. Department of Justice for litigation consideration. A Notice of Right to Sue is not necessary for a Charging Party to file suit under the ADEA or EPA.

#### **c. Alternative Dispute Resolution (ADR) Program**

Since 1995, the EEOC has offered an alternative dispute resolution ("ADR") process to resolve certain charges prior to the initiation of investigation. The Respondent and Charging Party are invited to voluntarily mediate these charges. During mediation, the focus is not on whether the law has been violated, but rather, whether the issue can be resolved to the parties' mutual satisfaction.

The EEOC will provide interpreters for individuals with LEP during the mediation upon request. If EEOC mediators on bilingual position descriptions can interpret in the requested language, they may interpret for the individual with LEP during the mediation. If the EEOC does not have a bilingual mediator available who speaks the language of the person with LEP, the EEOC will provide an interpreter and document translation services through a translation services contractor. Interpreters provide translation support telephonically, virtually, and/or by attending in-person.

Charges not resolved in mediation are assigned to an EEOC investigator and will proceed through the investigative process described in Section III.A.1.b. above.

#### **d. Litigation**

If conciliation is unsuccessful, the EEOC generally has authority to bring a civil action in federal court against a covered private employer, including labor organizations, employment agencies and joint labor management committees. When deciding whether to file a lawsuit, the EEOC will consider several factors, including the seriousness of the violation, the type of legal issues in the case, the wider impact the lawsuit could have on EEOC efforts to combat workplace discrimination, and the most effective use of EEOC resources.

When a lawsuit is filed, the Office of General Counsel (OGC) conducts the litigation on behalf of the EEOC to obtain relief for victims of employment discrimination and to ensure compliance with the statutes that the EEOC enforces. In cases where the charging parties or victims of discrimination are individuals with LEP, the EEOC will use staff fluent in the relevant language or contract with certified interpreters who communicate in the language of the individuals involved in the litigation. Where appropriate, the EEOC will seek injunctive relief, such as policy changes, training, and notice posting, provided in the primary language(s) spoken by the relevant employees or job applicants.

### **B. Federal Sector Complaint Process**

Federal employment anti-discrimination laws also apply to federal government applicants, employees, and former employees. While there are several avenues through which an employment discrimination claim may be pursued in the federal sector, employees or applicants who believe that they have been discriminated against by a federal agency must generally contact an EEO counselor at the agency within 45 days of the discriminatory action. The Complainant's agency is responsible for providing language assistance, such as an interpreter, if needed, at the complaint stage of the process. The individual may choose to participate in counseling or in alternative dispute resolution (ADR), if available. Ordinarily, counseling must be completed within 30 days and ADR within 90 days. At the end of counseling, or if ADR is unsuccessful, the individual may then file a complaint with the agency. The agency must investigate the complaint unless it is dismissed, in which case the Complainant may appeal the dismissal to the EEOC. The Complainant's agency has the responsibility to provide language assistance, such as an interpreter, if needed, during the investigation.

Once the agency finishes its investigation or after 180 days has passed, the Complainant may request a hearing before an EEOC Administrative Judge or an immediate decision from the agency. If a federal employee or applicant needs language assistance, such as an interpreter, while the complaint is in the hearing stage at the EEOC, it is the responsibility of the responding agency to provide the needed language assistance. In cases in which a hearing is requested, the Administrative Judge presides over the case, and ultimately issues a decision on the merits of the case. In cases in which discrimination is found, the Administrative Judge orders appropriate relief. If the agency does not issue a final order within 40 days of receiving the Administrative Judge's decision, the decision becomes the final action of the agency and, therefore, binding. If



the agency timely issues an order notifying the Complainant that it will not fully implement the Administrative Judge's decision, the agency also must file an appeal with EEOC's Office of Federal Operations (OFO) at the same time. A Complainant may also file an appeal with OFO from any final agency action in which there is a finding of no discrimination.

### **C. Outreach**

The EEOC has a statutory mandate to educate the public and to provide outreach and technical assistance to facilitate compliance with the laws the agency enforces. These outreach initiatives are directed towards various groups, including vulnerable workers, individuals with LEP and low literacy skills, employees, job applicants, unions, community organizations, employers, small, new, and disadvantaged businesses and foreign embassies and consulates. The objective is to offer information and resources that help the employers and individuals understand their workplace rights and responsibilities and enhance compliance under EEOC-enforced laws.

EEOC outreach programs and fee-based trainings conducted through HQ and field office-sponsored events, are often designed to reach individuals with limited English proficiency (LEP) and low literacy skills. If requested, language assistance is made available at these events through the agency's translation services contractor. During outreach and fee-based events, EEOC staff may also receive discrimination charges from those individuals, including vulnerable workers who live in rural areas or have limited access to the EEOC's online public portal due to limited internet connectivity in those communities

EEOC staff develop and maintain close ties to community organizations that assist immigrant and/or vulnerable workers with LEP. EEOC staff conduct various outreach activities, including participating in festivals and job fairs and appearing on bilingual radio and television shows, to provide information about the Commission, federal anti-discrimination laws, and EEOC programs and services. EEOC staff also often participate in outreach events with community-based organizations serving individuals with LEP. These relationships often lead to referrals of potential victims of discrimination to the EEOC. In addition, key documents, fact sheets, and publications in Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Spanish, Tagalog, and Vietnamese are available on the [EEOC website](#).

### **D. Other Multilingual Resources**

The OFP External Engagement Program coordinates implementation of the Language Access Plan within the EEOC's districts. This oversight is managed by the Program Manager, who serves as the central point of contact for language access matters between the districts and the OFP headquarters. Each of the EEOC's districts has a designated Language Access Coordinator (LAC), responsible for internal coordination of language access requests. These district LACs work in close partnership with the OFP External Engagement Program at the EEOC's headquarters. This collaboration encompasses accessing training opportunities, obtaining guidance for language programs, and aiding in the resolution of language-related inquiries. Individuals who need to contact a district's LAC may contact the relevant district office.

Other offices, such as the Office of General Counsel and Office of Communications and Legislative Affairs (OCLA) ensure access to translation and interpreter services as needed. They also oversee their own language services-related budget. Collectively, these efforts help to reduce communication barriers related to limited English proficiency.

#### **IV. Language Access Plan**

##### **A. Determining Language Needs**

In 2020, the Commission's Office of Enterprise Data and Analytics (OEDA) created a data visualization tool for the EEOC called the "District Demographic Dashboard." The purpose of the visualization is to use data available from the American Community Survey (ACS) to create an internal tool that can be referenced and customized by the user to examine the various populations in a district office by a variety of demographic characteristics, including English proficiency. ACS is a demographics survey program conducted by the U.S. Census Bureau. This survey includes questions about, among other things, language proficiency, and employment. EEOC staff leverage this data to identify underserved communities with LEP, including communities who speak indigenous languages or who speak languages less common in the United States, in their jurisdiction and provide them with tools and information to help them understand their employment rights and responsibilities under the laws the EEOC enforces. The EEOC may also consult with these communities to determine language needs and services.

##### **B. Providing Language Access**

The EEOC established a Language Access Working Group (LAWG) to monitor language access services and provide language access information and recommendations to the Office of the Chair (OCH). The LAWG consists of members from all relevant Commission program offices to ensure diverse perspectives and program experiences are integrated into the Commission's efforts to provide meaningful access to agency programs and services to individuals and communities with LEP. For example, in the EEOC's OFP, the External Engagement Program Manager provides operational guidance and LACs implement the Plan as it relates to OFP's enforcement responsibilities. The LACs reflect a cross-section of the agency, and include Outreach and Education Coordinators, Enforcement Managers, Supervisors, Area Directors, and District Resource Managers. Staff members from the EEOC's Office of Legal Counsel (OLC), OCLA, OGC and OCH are also part of the LAWG. Thus, the LAWG is well-equipped to not only coordinate language assistance, but also to provide technical assistance in navigating EEOC processes and procedures as they relate to the laws enforced by the Commission.

#### **1. Interpretation**

##### **a. Bilingual Staff**

The Commission's preferred method of communication with individuals with LEP is by using a bilingual staff member, where available, who can communicate on a one-on-one basis and will be most familiar with the Commission's filing procedures and federal EEO laws. This will ensure the accuracy, quality, neutrality, and consistency of the information provided.

Generally, individuals with LEP will submit an online inquiry or call the EEOC at 1-800-669-4000. Bilingual staff assist persons with LEP who contact the EEOC to learn about their employment rights or to file a charge of discrimination.

When individuals with LEP utilize the 800 number, Intake Information Representatives (IIRs), including specially-trained EEOC staff who are hired under a bilingual position description, will handle the intake calls and are able to provide interpretive services directly to individuals with LEP. IIRs hired under a bilingual position description are fluent in written and spoken English and the language referenced in the position description (usually Spanish). As with applicants for any bilingual position description, bilingual field office staff evaluate the language skills of applicants for bilingual IIR positions.

In addition, staff fluent in the relevant language provide interpretation and translations during investigations, mediations, and litigation. They also conduct outreach to community groups, advocacy organizations, and members of the business community who assist applicants, employees, and employers with LEP, to notify them of their respective rights and responsibilities and relevant EEOC programs and services, as indicated below in Section VI, Community Education and Outreach.

Field offices recruit, interview, and hire bilingual employees based on the applicant's ability to speak, interpret, and translate fluently, and to perform the duties and functions required by the position. The Commission has made it a priority to recruit and hire bilingual staff to build language capacity nationwide. The Commission is also working to provide online language proficiency training to equip its bilingual employees with an additional learning resource. As of November 2023, the Commission had 156 employees (primarily Investigators) in bilingual positions. The Commission's bilingual employees are fluent in Amharic, Chinese (Cantonese and Mandarin), Creole, Korean, Polish, Spanish, and Vietnamese.

Bilingual staff are assigned to assist individuals with LEP based on the language proficiency of the staff member and the needs of the person(s) requiring assistance. If there is no staff who speaks the language of the individual with LEP in a particular field office, EEOC staff will request assistance from a bilingual staff person in another field office. If there is no bilingual staff available, the EEOC staff will contact language interpreters who will provide telephonic interpretation per the agency's interpreting services contract.

Field offices are encouraged to continue the practice of rotating staff assignments (except for mediation), where possible, to ensure that a bilingual employee is available in vital program areas. Due to the confidentiality of the mediation process and the firewall between the mediation and investigative processes, if a bilingual mediator is not available, field offices must secure paid interpretation services for the mediation.

#### **b. Contract Telephonic, Virtual, and On-Site Interpretation**

As discussed above, individuals with LEP, just like other members of the public, contact the Commission through the EEOC's main number, 1-800-669-4000. The EEOC has also allocated

funding for a nation-wide contract to provide language services. The EEOC instructs field offices to use the language assistance contract when an individual with LEP needs interpreter assistance in a language not spoken by an available EEOC bilingual staff person. Under the language services contract, telephonic interpretation is provided in 200 languages and dialects by professional certified linguists. The contractor has a vetted pool of over 3,000 contract professional telephonic interpreters that provide on-demand telephonic interpreting service and document translation services.

### **c. Federal Agency Language Assistance**

If bilingual staff and assistance through EEOC's language services contract are not available, field offices and headquarters program offices may determine whether staff from local federal agencies are able to provide language assistance. In general, language assistance that the Commission receives from other agencies results from participation in local Federal Executive Boards (FEBs). FEBs are interagency consortiums in which local federal leaders identify strategies and resources to address local priorities and needs.

### **d. Community-Based Organizations**

Community-based organizations may be a source of language assistance if EEOC's internal language resources are unavailable. For example, EEOC staff may contact community-based organizations to seek volunteer interpretive services for individuals with LEP, in accordance with the procedures established in EEOC Order 680.005. Before contacting a community-based organization for language assistance, agency staff must: (1) obtain conflict of interest clearance from the OLC, and, if necessary under internal guidelines, approval from the Chair or the Chair's designee; and (2) obtain the consent of the individual with LEP. OFP and OGC, in consultation with OLC, will draft and circulate to the field a standard agreement that individuals or organizations that voluntarily provide language assistance in these instances must sign before the EEOC may accept the language assistance. The agreement will describe the confidentiality and neutrality requirements inherent in the EEOC proceeding at issue.

In accordance with the procedures established in EEOC Order 680.005, field offices may contact community-based organizations to request volunteer interpretive services for outreach or education events for LEP audiences when EEOC's interpretation services and bilingual staff are unavailable. Staff should coordinate these requests with the National Language Access Officer.

### **e. Exigent Circumstances**

In some instances, potential Charging Parties with LEP may request that a friend or family member (excluding minors) serve as an interpreter during the intake interview. As indicated above, the EEOC's preferred method of communication with an individual with LEP who is seeking to file a charge is through a bilingual staff member. However, in exigent circumstances in which the deadline to file is imminent, a bilingual staff member is unavailable to assist, and the field office is unable to obtain qualified interpretive services on short notice, field offices may allow the potential Charging Party's relative or friend to serve as an interpreter during the intake interview. However, once the charge is filed, the field office or legal unit should obtain a

qualified interpreter, as necessary, for subsequent enforcement activity, such as interviewing witnesses or Respondents or conducting mediation as well as litigation.

## **2. Translation of Vital Documents**

To enhance communication with individuals with LEP, the EEOC's has had vital documents translated into languages other than English. The EEOC selected languages for translation of agency documents based on the language needs of its constituents. The documents selected for translation are, for the most part, "vital documents" in that they provide critical information about the statutes the EEOC enforces, charge filing requirements, and charge processing information to persons in need of EEOC's services.<sup>4</sup> The EEOC ensures quality control of translations through qualification standards and safeguards in the procurement of translation services.

Classification of a document as "vital" depends on the importance of the program, information, encounter, or service involved, and the consequence to the person with LEP if the information in question is not provided accurately or in a timely manner. EEOC staff, including district directors and regional attorneys, will determine which field-developed documents are "vital." These offices or individuals will also consider recommendations regarding which documents to translate and the languages for translation from employees familiar with the charge, case, matter, or outreach project.

Examples of EEOC documents that may be "vital" include charge forms, requests for position statements, requests for information, dismissal letters, determination letters, Notice of Right to Sue, other time-sensitive documents such as discovery requests that require the individual's cooperation in answering, conciliation agreements, consent orders or decrees, key documents about the Commission's jurisdiction, how to file a charge, how to contact the Commission, a charge or case-related community outreach, as well as notices regarding the availability of language assistance services for individuals with LEP.

### **a. Documents Regarding a Charge, Case, or Matter**

The purpose of translating charge or case-related vital documents is to ensure that individuals with LEP enjoy meaningful access to Commission enforcement and litigation efforts. Most individuals with LEP who contact the EEOC wish to learn more about their employment rights or to file a charge of discrimination. As a result, field offices have translated enforcement-related documents, such as charge intake questionnaires, as well as litigation documents such as complaints, questionnaires, and consent decrees. EEOC documents or brochures addressing employment rights have been translated into a variety of languages, including Bengali, Farsi, Pashto, Punjabi, and Spanish.

In addition, the EEOC translates written complaints, charge forms, letters and other written evidence received in languages other than English to determine whether the matter falls within the Commission's jurisdiction and to determine how to proceed. Enforcement and/or legal staff, in consultation with the District Director and Regional Attorney, should determine which charge or case-related documents are "vital" and the appropriate language(s) for translation. Factors

that may influence whether a charge or case-related written document should be translated may include the language proficiency of the Charging Parties and/or class members; involvement of Charging Parties, witnesses, or Respondents with LEP; or the nature of the case.

In cases involving Charging Parties with LEP, it is not uncommon for EEOC conciliation agreements or consent decrees to require that Respondents: post notices in languages other than English informing employees of their rights, distribute anti-discrimination policies in languages other than English to staff, provide training in languages other than English to personnel with LEP, and provide a point of contact for employees with LEP to report discrimination or retaliation in their primary language. Field office staff should continue to incorporate these provisions into settlement agreements as needed, based on, among other things, the factors identified in the previous paragraph.

In some cases, field office staff, in consultation with OCLA, have and will continue to translate litigation-related press releases, particularly if the case involves many individuals with LEP or if translation of the press release may provide helpful information to other individuals with LEP who may be affected by the alleged discrimination at issue.

In addition to charge forms, the EEOC occasionally receives correspondence written in a language other than English. Field offices should continue to use bilingual staff, if available, to call the writer if a phone number is included in the letter, or to respond in writing in the individual's language. If bilingual staff are not available, field offices in consultation with OFP, should seek assistance from the EEOC's language service provider.

#### **b. Documents Intended for the General Public or a Broad Audience**

The EEOC has long recognized that educating applicants, employees, and employers, including individuals with LEP, about their workplace rights and responsibilities may help prevent discrimination from arising. Accordingly, the EEOC has a Spanish language website, to inform individuals with LEP who communicate in Spanish about the EEOC, their rights and responsibilities under the laws enforced by the EEOC, and EEOC programs and services. The EEOC also has numerous resources available on the agency's website and has over 400 webpages in languages other than English or Spanish, primarily Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Tagalog, and Vietnamese, to ensure that individuals with LEP have relevant information about the EEOC and their right to equal employment opportunity.

Recognizing that employers, as well as applicants and employees, may have limited English fluency, the EEOC has numerous webpages with resources for employers available in Spanish. In addition, the EEOC translated a fact sheet for small businesses, Preventing Discrimination is Good Business, into 29 languages. To assist employers in meeting their responsibility to post notices describing the federal anti-discrimination laws, the EEOC has also translated the "Know Your Rights: Workplace Discrimination is Illegal" poster into Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Spanish, Russian, Tagalog, and Vietnamese. These translated documents are available to the public on the agency's website.

The EEOC will continue its efforts to ensure that key documents about the Commission's jurisdiction and mission, unlawful employment discrimination, how to file a charge, how to contact the Commission, and the availability of free language assistance services are translated to ensure that individuals with LEP are aware of and able to access the agency's services. In furtherance of this goal, OCLA will continue to build upon its efforts of making this information available on the agency's website in Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Spanish, Tagalog, and Vietnamese and additional languages.

OFF's Field Coordination Programs will monitor the translation of documents pertaining to investigations, mediations, and outreach to ensure that appropriate materials are translated to provide communities with LEP access to critical information. To ensure quality control, OFF has a second contracting services review translated documents for accuracy. Similarly, OGC and other program offices, such as OCLA, will oversee the translation and interpreter services in their program areas. In addition, the LAWG may consult with EEOC program offices to identify ways to improve services to communities with LEP and make recommendations as appropriate. The EEOC may also consult with relevant stakeholders, including community groups, business groups, and non-profit organizations, to determine which outreach materials should be translated and to identify the target languages for translation.

In addition, the LAWG may consult with EEOC program offices to identify ways to improve services to communities with LEP and make recommendations as appropriate. The EEOC may also consult with relevant stakeholders, including community groups, business groups, and non-profit organizations, to determine which outreach materials should be translated and to identify the target languages for translation.

### **c. Notification of the Availability of Free Language Services**

The EEOC's staff and the OCLA will continue to notify individuals with LEP and community organizations that assist immigrant groups and persons with LEP about the availability of free language assistance services as well as the availability of key information about the EEOC on the agency's public website.

As discussed above, the EEOC's website provides vital information in languages other than English, including, Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Spanish, Tagalog, and Vietnamese that can be selected by using a drop down menu on webpages that have been translated. Additionally, individuals with LEP can go to the EEOC's [languages](#) webpage to find information available in the above languages.

## **V. Staff Guidance**

The EEOC issues guidance, memoranda, information, and instructions to agency staff regarding the EEOC's obligation to provide free language assistance for Commission programs and activities. The EEOC will review these documents on a rolling basis to ensure the material is legally sufficient and consistent with Commission policies and practices and to determine whether revisions are required to further educate staff about the Commission's responsibilities under E.O. 13166. In addition, the Chair will share the EEOC Language Access Plan with

EEOC employees. Furthermore, as indicated in Section VIII below, the EEOC will inform staff about the Commission's obligations under E.O. 13166 and the EEOC Language Access Plan.

## **VI. Community Engagement and Outreach**

The Commission has long recognized the importance of conducting outreach to and developing and maintaining relationships with communities with LEP on both the national and local levels. The EEOC will continue to develop relationships with community-based organizations, foreign embassies and consulates, and other interested stakeholders to educate underserved populations that may not be aware of the EEOC's services or may hesitate to contact the agency because of language or cultural barriers. The EEOC will also aim to increase the availability and accessibility of agency publications, including through translation of informational materials, for individuals with LEP.

The EEOC will continue to develop cooperative relationships with federal, state, and local agencies to coordinate outreach, enforcement, and litigation efforts on behalf of individuals with LEP, and to strengthen its cooperation with embassies and consulates to better serve this population. The agency will also continue to work with federal agencies, including inter-agency coordination efforts by U.S. Department of Justice Civil Rights Division's Federal Coordination and Compliance Section, to share and utilize tools, best practices, and technical assistance to ensure that the EEOC continues to provide high quality, cost-effective language access services. In addition, the EEOC will continue to convene listening sessions with immigrant worker advocates to identify ways to enhance language access and services to individuals and communities with LEP.

The EEOC website is designed to be fully accessible to all individuals, including persons with disabilities, using any web browser or mobile device, in accordance with Section 508 of the Rehabilitation Act of 1973, as amended.<sup>5</sup> The website contains information for employers on their legal responsibilities and information for constituents seeking assistance with employment discrimination issues. The LAWG will collaborate with OCLA to identify key documents and information for translation. Such material will be posted on the EEOC's website and publicized on EEOC's social media channels. This Language Access Plan will be posted on EEOC's website and [www.lep.gov](http://www.lep.gov) and disseminated to relevant stakeholders.

## **VII. Monitoring the Plan**

The LAWG in coordination with EEOC program offices, will be responsible for the oversight, training, performance, coordination, and implementation of all aspects of the Commission's language assistance services to individuals with LEP, including, but not limited to, overseeing the agency's Language Access Plan. The LAWG will make recommendations to the Chair of the EEOC regarding Commission language access programs, policies, and activities. Additionally, agency staff that interact with the public shall be provided with training on a regular basis on language access programs and policies.



Any concerns regarding the provision of language assistance services or the implementation of the EEOC Language Access Plan should be directed to the office director (if pertaining to field office implementation other than that involving the legal unit), the regional attorney (if pertaining to the legal unit) or to the National External Engagement Program Manager (if pertaining to OFP HQ implementation).

On a local level, field office leadership and HQ staff will monitor EEOC outreach and enforcement activities designed to reach underserved communities, including communities likely to include persons with LEP. Field offices will provide quarterly reports to OFP which describe their progress in meeting their outreach and enforcement objectives. These reports are evaluated by OFP's External Engagement Program Manger on whether and how translation services were provided.

Comments and concerns received in HQ regarding the provision of language assistance services are reviewed by OFP and OGC staff and referred to the appropriate field office. Field office directors and regional attorneys are responsible for assessing complaints; resolving them, if possible; and responding to the complaining party. If the complaint cannot be resolved satisfactorily by the office that initially received the complaint, field office directors or regional attorneys should forward the complaints to OFP or OGC for resolution. In addition, the EEOC's Office of Enterprise Data and Analytics (OEDA) supports the agency's mission and programs through its research and analyses of EEOC administrative and workforce data as well as data from external sources such as the U.S. Census Bureau, among its many functions.

### **VIII. Anticipated Language Access Activities**

The Commission established the LAWG to implement Executive Order 13166 and ensure that individuals with LEP continue to have meaningful access to EEOC programs and services. The LAWG will be chaired by a designee of the Chair of the EEOC who will continue in that role until the designee chooses to resign or is replaced by the Chair. The LAWG, in consultation with EEOC program offices, will be responsible for the coordination of all aspects of the Commission's language assistance services. The LAWG Chair will periodically brief the Office of the Chair on the Commission's activities pursuant to this plan.

The LAWG, in consultation with EEOC's program offices, and representatives from the Commission's Immigrant Worker Team and participants in related interagency working groups will identify barriers to language access and formulate strategies and responses to overcome those barriers, consistent with Executive Order 13166. In addition, the LAWG will work with program offices to review agency processes and activities for language accessibility and recommend changes as necessary to ensure that individuals with LEP have meaningful access to EEOC services. For example, given that the EEOC's intake and charge process has become more automated, program office input led the EEOC to establish a procedure ensuring that system-generated emails related to pre-charge inquiries and charges contained both English- and Spanish-language text. In addition, the LAWG may identify best practices to support bilingual staff recruitment, hiring, and retention practices and make recommendations to the Office of the Chief Human Capital Officer (OCHCO).

The LAWG, in conjunction with other EEOC program offices and initiatives, will solicit feedback from advocacy or community-based groups that represent individuals with LEP to determine what resources should be prioritized for translation. They will also solicit feedback from employers and/or equal employment opportunity (EEO) professionals to identify best practices for ensuring that EEOC's materials are accessible, understandable, and relevant to individuals with LEP.

In addition, the EEOC's public website will continue to be a key resource for individuals and communities with LEP. Over the past decade, the EEOC's website has been updated to ensure individuals and communities with LEP have access to critical information. For example, the agency has incorporated information about the Commission's jurisdiction and mission, how to file a charge, how to contact the Commission, and the availability of free language assistance services in Arabic, Chinese (Simplified and Traditional), Haitian Creole, Korean, Russian, Spanish, Tagalog, and Vietnamese. The agency will continue to make additional key documents about the EEOC and employment discrimination available in the above languages and in other languages.

OCLA will continue to update the agency's website to ensure that the most important and frequently reviewed materials can easily be accessed in multiple languages. OCLA will also track the number of page views for non-English translated pages to determine whether they are being accessed by the intended audience. Through this effort, the EEOC will establish a baseline for page views of resources in languages other than English and will use that information to help assess website usage and determine whether additional webpages need translating into languages other than English.

Finally, as part of this work, the EEOC will seek to develop oral outreach materials in multiple languages, such as short videos that can be included on its website, shared on social media, and disseminated to the public through Outreach and Education Coordinators. This will enable the agency to reach and more effectively serve persons with LEP who have limited literacy, but nonetheless require the EEOC's assistance.

## **IX. Conclusion**

The EEOC is committed to advancing equal opportunity in the workplace for all workers and ensuring all workers have meaningful access to Commission programs and activities. This mandate is particularly important for individuals with limited English proficiency, who may be vulnerable to employment discrimination and unaware of, or reluctant to take advantage of, available legal protections. The Commission also has a responsibility to assist employers, including employers with LEP, who may not be aware of their responsibilities under federal anti-discrimination laws. The Commission is committed to ensuring that individuals with LEP have meaningful access to EEOC programs and services. Through its outreach and education program, the Commission will continue to provide critical information regarding the laws it enforces to applicants, employees, and employers with LEP. In addition, the EEOC will continue to use its authority to ensure that individuals with LEP enjoy the legal rights and freedoms to which they are entitled.

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<sup>1</sup> Consistent with the requirements of Executive Order 13166, the EEOC published its first language access plan in 2000. That plan was revised in 2012.

<sup>2</sup> See e.g., EEOC, Application of the Age Discrimination in Employment Act of 1967 and the Equal Pay Act to American Firms Overseas, Their Overseas Subsidiaries, and Foreign Firms (1989), <https://www.eeoc.gov/laws/guidance/policy-guidance-application-age-discrimination-employment-act-1967-adea-and-equal-pay>; EEOC, Enforcement Guidance on Application of Title VII and the Americans with Disabilities Act to Conduct Overseas and to Foreign Employers Discriminating in the United States (1993), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-application-title-vii-and-americans-disabilities-act-conduct>.

<sup>3</sup> In addition to providing language access as discussed herein, EEOC must comply with Section 504 of the Rehabilitation Act of 1973, which requires the EEOC take appropriate steps to ensure that its communications with individuals who are deaf or hard of hearing, blind, or have speech disabilities are as effective as its communications with others. EEOC complies with its Section 504 obligations, including by providing deaf or hard of hearing individuals who prefer to communicate via ASL the ability to contact the EEOC at 1-844-234-5122 for an ASL video phone call or 1-800-669-6820 for teletypewriter, recruiting and hiring employees who can communicate in ASL to assist individuals who prefer to communicate using ASL, and by providing Communication Access Real-Time Translation services.

<sup>4</sup> See, e.g., Commonly Asked Questions and Answers Regarding Executive Order 13166, available at <http://www.lep.gov/faq/faqs-executive-order-13166/commonly-asked-questions-and-answers-regarding-executive-order-13166> (describing a document as vital if it “contains information that is critical for obtaining federal services and/or benefits, or is required by law.”).

<sup>5</sup> For more information see [U.S. EEOC Accessibility Statement | U.S. Equal Employment Opportunity Commission](#).