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NINA MOINI: A decades long effort to collect demographic workplace data may be coming to an end. In July, the US Equal Employment Opportunity Commission put forth a proposal to end federal workplace reporting requirements that have been in place since 1966. Now, last week, the Minnesota Department of Human Rights, along with several other civil rights agencies, filed a joint comment opposing the change. MDHR Commissioner Rebecca Lucero joins me now to talk more about the concerns she has around the proposal. Thanks for your time this afternoon, commissioner.

REBECCA LUCERO: Thank you so much for having me today, Nina.

NINA MOINI: For starters, would you give us a little bit of background on the EEOC and what these workplace reporting requirements are? What does it entail?

REBECCA LUCERO: Sure. So for some background on this, this is a long standing requirement that has existed for over six decades. And this is data that businesses provide. And, importantly, it is not personally identifiable data. So it's aggregate data. And it helps identify patterns across entire industries, regions, and occupations.

And it helps make sure that enforcement agencies, such as the Department of Human Rights, and employers themselves, can identify, understand, and address workplace discrimination, hopefully long before it becomes an actual issue. This is a really important tool for businesses. Every good business uses data to understand what is going on, to solve problems, to identify what's working well. This is the culture of continuous learning that helps businesses be successful. Eliminating this is a missed opportunity to make sure that discrimination doesn't persist in Minnesota.

NINA MOINI: You mentioned that it's not identifiable data. The EEOC says that it has preliminarily determined that these reports are potentially unconstitutional and that the benefits don't outweigh the burdens on the employer. What's your response to that? How much of a burden is this on an employer?

REBECCA LUCERO: So, broadly speaking, I want to be very clear here that this is only aggregate data. So it's only looking at patterns, and it is not personally identifiable at all. And data is used to help instruct and provide space for employers to understand what they could be doing to prevent discrimination on the front end.

So I understand that the EEOC is concerned about making sure that businesses are able to be successful. That is exactly the purpose of this. Identifying race and gender disparities does not create discrimination. And ignoring them doesn't cause them to disappear either. Workplace discrimination, unfortunately, exists whether or not this data is reported. And businesses care deeply about having the right data to prevent problems in the workplace. And Minnesota does too.

NINA MOINI: What do you think the EEOC could do instead of eliminating these reporting requirements altogether? Is there a system that could be updated? What do you think?

REBECCA LUCERO: Well, we can certainly talk about potential updates or changes. As I mentioned, this data has been collected for over six decades. And so a lot has changed over that time.

And so if there's an opportunity to refine, or clarify, or streamline, we should definitely be looking at that. That's actually the responsibility of every good enforcement agency to make sure that it can be successful. I think the bigger problem, though, is that there seems to be a lack of a shared understanding and appreciation of this goal of preventing and remedying workplace discrimination. It's starting to seem like that is not a commitment of the EEOC any longer, and this is just another step in dismantling our nation's civil rights enforcement framework across the board.

NINA MOINI: Yeah. Tell me more about the structure of the EEOC under the Trump administration. And could you put this into context for our listeners, more so about what these changes are in a broader context as it relates to people's ability to file discrimination reports.

REBECCA LUCERO: Yeah. And I think I'll actually put it under the context of a broad federal civil rights system writ large, because we're kind of really seeing three different pieces converge all at once when it comes to federal civil rights laws. So you're seeing the dismantling of civil rights enforcement infrastructure across the board, whether that's cuts to the EEOC, closing the Department of Education's Civil Offices for Civil Rights-- so that's around education-- defunding fair housing resource centers, gutting the Department of Justice. So you're seeing the dismantling of the civil rights enforcement infrastructure at the federal level.

You're also seeing concerted actions to unilaterally and unlawfully rewrite and sometimes even weaponize civil rights laws. And I think underlying all of that is, I think, the third bucket, which is almost the most important, which is scapegoating, othering, dehumanizing, and criminalizing people, oftentimes, because of their race, because of their gender identity, because of the exact thing that anti-discrimination laws are meant to prevent on the front end. And I think it's important to that no matter what's going on at the federal level, here in Minnesota, since the inception of Minnesota, we have had a long bipartisan commitment to strong civil rights laws.

We understand that discrimination in Minnesota is bad for democracy, bad for education, bad for employment. And we want to make sure to prevent it on the front end. And eliminating tools that support that important goal is just really quite heartbreaking.

NINA MOINI: So right now, this is just a proposed rule change, right, at the EEOC. They're collecting comments. Can you say what happens next in the process and what Minnesotans could do to vocalize any opinions they might have around it?

REBECCA LUCERO: Sure. So I think what's next in the process is we'll hear from the EEOC on the decisions they will make on this. And we hope, very much so, that they take us up on the recommendations is coming from many state civil rights agencies across the country. We really hope that they work to figure out something that improves the process, instead of ending something that is in place since 1966. So we'll see what they determine.

For Minnesotans today, this can be a little bit of a wonky piece around a comment period at the federal level on a federal piece. But I would say it's just as important to make sure to talk about how discrimination really does undermine our democracy, that it is bad for employers and employment. Business leaders, really good business leaders, know this every day. And they're doing that today in Minnesota. And so I think continuing to make sure that this is a priority for our state is important in the years to come.

NINA MOINI: Commissioner Lucero, thank you for your time. We appreciate it.

REBECCA Thank you so much. Have a great day.

LUCERO:

NINA MOINI: Rebecca Lucero is Commissioner of the Minnesota Department of Human Rights.