
THE FIRST REPORT OF THE VULNERABLE WORKERS PROJECT: THE LISTENING SESSIONS

FEDERAL INTERAGENCY REPORT



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This report was prepared by the White House Initiative on Asian Americans and Pacific Islanders Vulnerable Workers Project Interagency Working Group.

The Interagency Working Group consists of representatives from the Department of Justice, Department of Labor, Equal Employment Opportunity Commission and the National Labor Relations Board.



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I. Introduction



A panel of federal agency representatives answer workers' questions at a listening session held in Carson City, California.

A. WHIAAPI

On October 14, 2009, President Barack Obama signed Executive Order 13515, establishing the White House Initiative on Asian Americans and Pacific Islanders (“WHIAAPI”). The Initiative works to improve the quality of life and opportunities for Asian Americans and Pacific Islanders (“AAPI”) by facilitating increased access to and participation in federal programs. The Initiative works collaboratively with the White House Office of Public Engagement and designated federal agencies to increase AAPI participation in many programs related to education, commerce, business, health, human services, housing, environment, arts, agriculture, labor and employment, transportation, justice, veterans affairs, immigration, and economic and community development.

The Initiative highlights the tremendous unmet needs in AAPI communities, and fosters relationships with local community partners to meet these needs. Focusing on cross-cutting priority areas that cover a broad array of issues and agencies, including, for example, advancing research, data collection, analysis, disaggregation and dissemination for Asian Americans, Native Hawaiians and Pacific Islanders, the Initiative strives to ensure broader access for Asian Americans and Pacific Islanders to federal programs.

B. The Vulnerable Worker Project

Recognizing the diverse interests of AAPI communities, President Obama and his administration are committed to improving the quality of life for all AAPIs around the country. The WHIAAPI and the Interagency Working Group, consisting of representatives from the Department of Justice, Department of Labor, Equal Employment Opportunity Commission, and the National Labor Relations Board, formed a Vulnerable Workers Project and have been engaging in listening sessions with AAPI communities around the country. The Vulnerable Workers Project goals are for federal agencies to: (i) gather information about the specific employment and labor issues that the AAPI workforce encounter in high-risk and low-wage industries; (ii) educate AAPI communities about their federal civil rights and labor protections;

and (iii) operationalize the information obtained in the listening sessions into strategic enforcement and policy priorities of the federal agencies.

This unique project focuses on strengthening the federal government's commitment to providing services and protecting the rights of underserved AAPI communities at the grassroots level. Federal officials from each of the agencies met with AAPI community members and leaders to better understand the prevalent employment and labor challenges that different AAPI communities face. These collaborative efforts between the federal government and diverse AAPI groups will help federal agencies create strategic plans for providing services, enhancing the legal protections that the federal government enforces on behalf of more than nine million AAPI workers living in the United States. President Obama has made it clear: no matter what you look like or where you are from, everyone should have equal footing to pursue opportunities offered in the United States.

The Vulnerable Workers Project strengthens President Obama's commitments and reinforces the message that there is "No Wrong Door" to access government services. The "No Wrong Door" approach places the responsibility on the federal agency that has the initial contact with the worker to identify the appropriate agency for the worker's complaint to be reviewed and forward the complaint to that agency.

AAPI workers represent a growing share of the United States labor market. While aggregate data on AAPI workers depict a thriving workforce, significant disparities exist within this highly diverse group with respect to unemployment, employment discrimination, poverty rates and language proficiency. For example, the overall poverty rate of the AAPI community in America is 13.2 percent, but when broken down further by ethnicity and national origin, some AAPI ethnic communities suffer from soaring poverty rates, even as high as 27.9 percent.¹ Studies show that AAPIs are more likely to join the ranks of the long-term unemployed when compared to either Caucasians or Hispanics.² Finally, almost one-third of AAPIs, specifically 30 percent of AAPIs surveyed by a Gallup poll, reported incidents of employment discrimination, the largest of any ethnic group.³

Due to language barriers and limited agency resources, AAPI workers often encounter difficulty accessing the specific departments and agencies within the federal government that are entrusted with the duty to protect workers from discrimination and labor abuses. Traditional means of filing complaints, such as website complaint forms, telephonic communication and in-person intake, most of which are conducted in English and/or Spanish, are often inadequate for AAPI workers. In light of these challenges, the Vulnerable Workers Project conducted a series of five listening sessions around the country that focused on AAPI workers in communities where they are highly concentrated. With the assistance of local advocates, federal agency representatives met face-to-face with AAPI workers in comfortable and familiar environments, where interpretation services and resources were made readily available, and agencies listened and provided information to help close the information gap.

¹ 2012 American Community Survey <http://factfinder.census.gov>

² Council of Economic Advisors calculations from Bureau of Labor Statistics, Current Population Survey

³ <https://www.whitehouse.gov/administration/eop/aapi/data/critical-issues>

This report provides an overview of the listening sessions, an analysis of what its members heard from AAPI communities, and a summary of proposed recommendations for how federal agencies can improve their responsiveness to the AAPI workforce, while addressing systemic barriers to equal economic opportunity.



Community members in Long Beach, California engage in an open dialogue with federal representatives and WHIAAPI Commissioner, Lian Cheun.

II. Overview of the Listening Sessions

Since August 2014, the Interagency Working Group has held five listening sessions in the following cities: New York City, Houston, Los Angeles, Washington, D.C., and Minneapolis/St. Paul. Plans for additional listening sessions are currently underway. The listening sessions have taken multiple formats, from intimate conversations with as few as five participants to larger Question-and-Answer sessions that exceeded 150 audience members during a three-day listening session event. At each listening session, panelists from each of the agencies on the Interagency Working Group presented information about their respective agency’s role in enforcing federal employment and labor protections, and developing policy solutions to address systemic challenges.

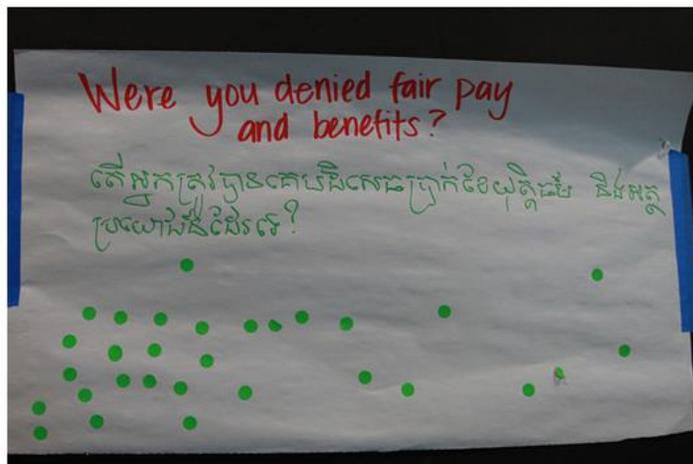
Two important goals of the listening sessions were collecting specific information from AAPI workers and their advocates about the unique challenges that AAPI workers face in the workplace and providing information about federal employment and labor rights and protections. As one of our community partners stated, the federal agencies’ representatives “truly demonstrated that they wanted to hear the [Asian American] and Pacific Islander’s needs and to help in whatever way they can. As a result, the listening session served its purpose ... to hear the people’s needs and help them find resolution regarding those needs.”

During the listening sessions, the Interagency Working Group representatives sought to assure attendees that there is “No Wrong Door” to access federal employment and labor protections. People are not expected to know which agency covers which laws, and this message encourages workers to come forward. Another key message was that the federal government is committed to addressing the challenges identified at the listening session by removing

unnecessary barriers, and continuing to engage with AAPI communities with culturally competent agency representatives and community partners.

Each agency alternately took the lead in coordinating with local community organizations and advocates to plan the various listening sessions. The lead agency worked to find community partners who assisted in selecting appropriate venues, determining the timing of the event (typically evenings and/or weekends), and helping with advertising and event planning. Recognizing that the AAPI community is not monolithic, each listening session was targeted to a particular subset of the AAPI community, with interpreters and translated informational materials provided in the appropriate languages. Thus far, the Interagency Working Group has targeted Nepalese, Chinese, Burmese, Korean, Bhutanese, Vietnamese, Native Hawaiian, Pacific Islander (Marshallese, Fijian, Samoan, Tahitian, Tongan), Cambodian, Filipino and Hmong community members at the five listening sessions.

A majority of the listening sessions consisted of a two-hour agenda, which began with an “ice breaker” exercise to immediately engage the audience and help the panelists identify the listening session attendees’ most pressing concerns. During the exercise, federal agencies placed posters on the wall with translated questions related to workers’ rights and asked attendees to place stickers on the questions to indicate an affirmative answer. Sample questions included, “are you denied fair pay and benefits” or “are you discriminated against for speaking your native language at work.”



Cambodian workers placed stickers on the posters with the questions that most impacted them at work, in one session held in Long Beach, California. For the exercise, questions in English were translated to Khmer.

Thereafter, the lead agency representative and/or a WHIAAPI Regional representative provided opening remarks, followed by short presentations from each of the agency representatives describing their jurisdiction and legal authority to address workplace discrimination and labor abuses. Participants were invited to ask questions and voice concerns, typically with prompts from advocates and/or agency representatives. For example, during the Filipino worker listening session, some participants attended telephonically because of conflicting job schedules, but raised specific issues, many of which were concerns shared by the participants.

Seeking answers to specific overarching issues at all of the listening sessions, the Interagency Working Group also asked specific core questions to further understand the diverse and unique issues confronting different segments of the AAPI community. The core questions included the following:

- In your experience, what are the issues facing Asian Americans and Pacific Islanders in the workforce? (Specifically, are there issues related to: discrimination in hiring, firing, promotion, or retention; hours and pay, including overtime; workplace safety; document abuse; leave or other benefits, including health care; unionization issues; and language access?)
- What kinds of changes do you think are necessary to address these issues?
- In your experience, are workers in your community knowledgeable about their employment and labor rights? If not, what recommendations would you provide to us about increasing awareness?
- How do you think the government can respond more effectively to the issues that you have raised with us today? Are there any additional resources that might be helpful for the government to distribute to the AAPI workforce?

After closing remarks, with acknowledgement of and appreciation to the host organization and to the participants themselves, the agency representatives remained available to continue discussions with some audience participants whose inquiries required more one-on-one assistance.

III. Common Themes

Several common themes emerged from the listening sessions with respect to challenges and obstacles that AAPI workers encounter when attempting to obtain redress from labor and employment violations. In particular, AAPI workers expressed frustration at the difficulty of filing complaints with the federal government. This process is further complicated by the lack of effective communication between the federal government and AAPI workers, concerns about how their immigration status may affect their claims, and fear of retaliation by supervisors and backlash in their communities. AAPI workers also expressed frustration with the challenges they encounter in navigating the federal agency complaint process, including not knowing where to file complaints, confusion over the scope of coverage for small business employees, complicated filing instructions, and the length of time it takes for complaints to be resolved.

A. Barriers to Filing Complaints

AAPI workers report numerous barriers to filing employment and labor related complaints with the federal government. Community leaders and participants emphasized that they were not confident that the government could provide timely and culturally relevant assistance in addressing their employment and labor challenges. While the listening sessions were undoubtedly a positive first step at building trust between communities and government by demonstrating the government's commitment to AAPI communities, much remains to be done to address the multivariate concerns being heard across the country. For instance, many participants said that the sessions marked the first time in decades that government

representatives conducted in-person outreach in AAPI languages. Many participants were seemingly unaware of the government’s legal responsibility to provide meaningful access, not only in multiple languages, but through different outreach platforms, in all federal programs and services.

i. Effective Communication with AAPI Workers

The AAPI community is incredibly diverse and includes individuals who speak a wide array of languages. Some of the communities have immigrated to the United States more recently and are still relatively small. These communities are often susceptible to employment abuse and face great challenges in accessing the protections of the federal government. Participants urged federal agencies to do more to address these complex challenges, including providing meaningful language access in the form of written, audio and visual informational materials and employing qualified, experienced staff in communicating with diverse populations to encourage culturally relevant assistance. This is especially critical for interactions with refugee communities that have long histories of suffering from government abuse in their countries of origin, and as a result, generally fear and distrust government. Utilizing partnerships with community-based organizations that have expertise working within particular communities is vital if the government wishes to appropriately engage displaced AAPIs in their outreach.

In one especially informative listening session, a community-based partner in Houston said that, while it was commendable that the agencies provided written materials in AAPI languages, for communities that have never encountered legal concepts – such as discrimination in hiring, firing, and promotions, retaliation by employers, or OSHA-enforced safety standards– the government should provide explanations that turn abstract concepts into relatable scenarios, rather than relying on direct translations of documents in English to communicate the work of the agencies. Community members requested that agencies go beyond written materials and utilize multimedia platforms, such as public service announcements on local radio stations and online video messages. However, in-person presentations and Question & Answer opportunities, like the listening sessions, remains the best way to reach AAPIs.

ii. Immigration Status and Access to Resources

The newly-arrived immigrant and refugee communities from Bhutan, Nepal, Burma, and Cambodia expressed feelings of isolation once in the United States, which often led to exploitation by unscrupulous individuals that take advantage of their vulnerable economic situation. Grateful for having any employment when they are able to find it, workers described having a sense that the discrimination, wage theft, and treatment in their workplaces was wrong, but they were unable to identify the problem and were unaware of how to seek assistance. Lacking knowledge about their employment and labor rights, AAPI workers often felt that they must accept this discriminatory treatment as an unfortunate part of their reality living in the United States. Reaching out to immigrants and refugees to provide education and information on labor rights soon after they arrive in the United States is a challenging but necessary and critical task for federal agencies to better serve these vulnerable communities and protect them from exploitation.

Several participants also recounted the ways in which employers used community members' undocumented immigration status as a means to create an environment of fear and trepidation. Others described the reluctance of some workers to contact the federal government to report employment abuse, based on the fear that their employers would be notified of the complaint or that they would be reported to immigration authorities. Agency representatives made clear that the government seeks to protect all workers from exploitation and workers' rights violations, regardless of immigration status. In fact, in November 2014, the Administration announced the establishment of the Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws to work on these kinds of workplace issues. This Interagency Working Group recently released a six-month action plan to ensure, among other things, that employers do not attempt to use federal immigration authorities to undermine worker protection laws by enmeshing immigration authorities in labor disputes.

These concerns raised by AAPI workers made it clear that individuals remain fearful that their immigration status will be used against them if they file a complaint or otherwise pursue enforcement of their rights. To assuage the concerns of the AAPI community, federal agencies must continue to work together to ensure that all workers can enjoy the labor and employment rights to which they are entitled.

iii. Fear of Retaliation and Backlash

Several workers expressed a fear of backlash from their communities if they file a complaint against an employer from the same ethnic community. In particular, newly-arrived immigrants and refugees expressed concern that they would face social isolation and ostracization, making the challenge of adapting to life in a new country that much more difficult. AAPI workers were less concerned about filing complaints against employers from different ethnic backgrounds. While it will be difficult for the federal government to address concerns of social isolation that potential complainants may harbor, more can be done to reinforce the message that federal law protects employees from retaliation by their employers for filing an employment-related complaint with the federal government.

B. Navigating The Federal Agency Complaint Process

Many AAPI workers also expressed concern and frustration with the challenges they encounter when attempting to navigate federal agency complaint processes. Specifically, workers are confused about where to file their employment and labor-related complaints and do not understand the scope of federal legal protections. Complicated filing instructions and the length of time it took for complaints to be resolved further discouraged workers from seeking federal protection from employment and labor abuses.

i. Confusion Over Where to File Complaints

As reflected by the composition of the Vulnerable Workers Project interagency working group, numerous federal agencies have crosscutting jurisdiction with respect to enforcing employment and labor protections. Within individual agencies, multiple divisions are

responsible for enforcing various aspects of federal employment and labor law. State governments also have a role to play in enforcing state laws that protect workers' rights.

Many workers within the AAPI community, a large number of whom are newly arrived immigrants and refugees with limited English proficiency, found the overlapping jurisdiction of federal agencies, and between federal and state agencies, to be confusing. Accordingly, they did not know where to turn to file complaints related to discrimination or other unlawful treatment on the job. Community members requested that federal agencies do a better job referring complainants and forwarding erroneously filed complaints to the appropriate agency. The federal agencies repeatedly emphasized that there is "No Wrong Door" to file employment and labor-related complaints with the federal government; if a complaint is filed with the wrong agency, the agency where the complaint is erroneously filed will do its best to ensure that the appropriate agency receives the complaint in a timely fashion.

ii. Small Businesses and Jurisdiction

Many low-wage workers in the AAPI community are employed by small businesses, including many who are employed as direct care workers, such as caregivers and home health aides, and others who are employed by locally-owned nail salons and in the garment industry. During the listening sessions, several questions were raised concerning the legal responsibilities of small businesses to their employees. At one listening session, Khmer workers employed by Khmer-owned small businesses told us that workers and small business owners alike need information and resources on the regulations to ensure that small businesses also abide by the law.

Gaps in the coverage of federal laws that protect workers from employment and labor abuse are an additional obstacle in addressing the challenges faced by employees of small businesses. For instance, small businesses with less than fifteen employees, private households that employ domestic workers are excluded from many of federal employment and labor laws, including, but not limited to, Title VII of the Civil Rights Act of 1964 and the Family and Medical Leave Act. Still, other federal and state laws provide protections for employees of small businesses, with some exceptions, including the Fair Labor Standards Act, the anti-discrimination provision of the Immigration and Nationality Act, and recently enacted state labor laws in California and New York that have extended protections to domestic care workers. Community organizations requested educational outreach on these issues and stronger collaboration between federal and state agencies regarding referrals and coverage.

iii. Complicated Filing Instructions

Many AAPI workers cited complicated filing instructions as an impediment to filing federal complaints regarding unfair treatment. Often, these instructions were long, too formal, and difficult to understand in either English or their native language. Because low wage workers frequently lack the resources necessary to hire an attorney who can assist them in filing their complaints, simplifying the complaint process, as well as the filing instructions, would go a long way toward making federal protections more accessible for low wage earners.

iv. Length of Time to Resolve Complaints

AAPI workers also expressed frustration at the length of time it took for their complaints to be resolved. Many workers shared that they were forced to continue to endure unfair treatment and wage theft while they waited for their complaints to be resolved. Other workers recounted that while review of their complaint was ongoing, their employer closed their business and left the state, leaving them with no further recourse for recovery of lost wages. Still other workers reported that they were fired while their complaint was being reviewed and then lacked access to the pertinent documents and information that the federal agency needed to evaluate their claim.

Adding to the overall frustration at the amount of time it takes for federal agencies to review complaints was the lack of communication from the federal agency and a lack of transparency about the process. Participants at the listening sessions requested that the federal agencies shorten review periods and increase transparency about the status of workers' claims.

IV. Recommendations

The recommendations listed below reflect specific agency action items arising from our joint listening sessions with various AAPI communities around the country. Since each agency's jurisdiction and legal authority varies, the recommendations focus on different types of actions, depending on the specific AAPI community and the issues presented by workers within specific industries and regions.

However, there are several common themes among the agency recommendations. Most notably among them are: 1) expanded language access to assist complainants in understanding and pursuing their legal rights; 2) continued implementation of the "No Wrong Door" approach to the filing of employment and labor complaints; 3) a commitment by each agency to understand the work of other agencies that enforce employment and labor protections to ensure timely and accurate referrals of complaints to other agencies; 4) ongoing, timely and consistent communication with complainants about the status of their complaints; 5) clear statements to vulnerable workers explaining that their rights are protected regardless of immigration status; 6) translation of U and T visa information for immigrants who are victims of crime or trafficking into AAPI languages; 7) close collaboration with state and local agencies; 8) broad dissemination of information to appropriate media outlets; and 9) a commitment to continue federal agency engagement and outreach to AAPI communities on labor and employment issues.

Department of Justice Recommendations

Language Access

- The Civil Rights Division will continue to translate materials explaining the scope of the civil rights protections that it enforces into multiple languages, including the languages of newly-arrived immigrant communities.
- The Civil Rights Division and Community Relations Service will continue to undertake efforts to ensure that staff is able to communicate with diverse members of the AAPI community in their native language.

- The Civil Rights Division will continue to explore the development of a Division-wide toll-free hotline for members of the public to call with questions; tele-interpreters will be available in AAPI languages.

Clear Information

- The Civil Rights Division will continue to simplify the language used in documents to explain the federal civil rights employment protections that it enforces.
- The Civil Rights Division will continue the development of a plain language flyer that describes the work of each Section and includes relevant contact information; it will be translated into AAPI languages.

Education and Outreach

- The Civil Rights Division and Community Relations Service will continue to engage in dialogue with AAPI communities to expand the lines of communication and build trust.
- The Civil Rights Division will continue to empower local community organizations with information about federal civil rights employment protections so that they can share the information with their communities.
- The Civil Rights Division will continue to encourage local community organizations and individuals to contact the Civil Rights Division when they encounter someone who may be experiencing employment discrimination on the basis of race, ethnicity, national origin, or immigration status.
- The Civil Rights Division and Community Relations Service will continue to increase their usage of multimedia platforms to spread the message about available government resources, including TV, radio, webinar, and internet.
- The Civil Rights Division and Community Relations Service will continue to conduct outreach focused on local, state, and federal AAPI employees and contractors.
- The Community Relations Service will develop resources to help refer AAPI communities with specific employment concerns to other appropriate agencies.

Government Response and Coordination

- The Civil Rights Division and the Community Relations Service will continue to work to improve coordination between federal agencies so that complaints are referred to the correct agencies.
- The Civil Rights Division will continue to work to improve coordination between federal and state governments so that complaints are referred to one another, as appropriate.
- The Civil Rights Division will continue to provide technical assistance to other Federal agencies to improve access to federally conducted and federally assisted activities for limited English proficient persons.

Department of Labor Recommendations

Wage and Hour Division Recommendations

- The Wage and Hour Division (WHD) will provide joint outreach workshops with state departments of labor and community-based or non-government organizations

where appropriate, to clarify worker coverage under state and federal labor laws and explain the different roles and referral processes of each agency.

- WHD will convene joint education outreach with other federal and state agencies to focus on topics of particular concern to workers, targeting outreach events to specific ethnic groups in specific industries and choosing venues in which workers feel safe to express their views freely. These targeted outreach sessions would enhance one-on-one interactions and individual conversations.
- WHD will engage in additional media outreach activities (such as radio interviews) with Asian community-specific media outlets, as appropriate.
- WHD will continue to focus on translating more plain-language information materials into additional Asian languages as needed.
- WHD will make efforts to conduct women's-only outreach sessions to attract a greater number of female AAPI members, especially in targeted industries such as nail and beauty salons, and the hospitality and domestic services industries.

Occupational Safety and Health Administration Recommendations

- The Occupational Safety and Health Administration (OSHA) will continue to work with AAPI communities throughout the nation to address worker safety and health issues, inform workers of their rights (including the OSHA complaint process and Whistleblower protections), and inform employers of their responsibilities under the OSH Act.
- OSHA will actively participate in interagency working groups, summits, fairs, forums, worker trade meetings, training events, consular partnerships, and alliance signings to reach workers across industries including healthcare, nail salons, construction, restaurant and many others.
- OSHA will continue to utilize the Susan Harwood Training Grant Program to provide grants that will support effective training and education for AAPI workers and employers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces.
- OSHA will continue to focus efforts on language access and increase the agency's library of translated materials including, OSHA Posters, Fact Sheets, Quick Cards, websites, etc., into various Asian languages. As a best practice, OSHA will continue to ensure quality translated worker safety and health products by having the Susan B. Harwood Training Grant grantees vet documents in their respective languages.
- OSHA will continue efforts to pursue alliances and partnerships with various organizations as another means to improve the effectiveness of AAPI outreach.
- OSHA will continue participating in training and education opportunities via outlets most widely used by the AAPI community including television, radio, and internet.
- OSHA will continue to build a diverse workforce with safety and health expertise and a wide-range of language capabilities to better serve AAPI communities.

Office of Federal Contract Compliance Programs Recommendations

- The Office of Federal Contract Compliance Programs (OFCCP) will continue to engage in robust stakeholder outreach to all covered workers, including those within the AAPI communities throughout the United States.

- OFCCP will explore the most suitable forms of outreach and community education in specific AAPI communities, such as television, radio, written and social media.
- OFCCP will continue to maintain its multi-lingual call-in numbers for individual complaints and direct the calls to the appropriate agency within the Department of Labor (DOL) and/or to the Department of Justice (DOJ), Equal Employment Opportunity Commission (EEOC), and National Labor Relations Board (NLRB).
- During the course of its investigations, OFCCP will refer claims of potential violations outside its authority to the appropriate agency within the DOL and/or to the DOJ and EEOC, and NLRB.
- During the course of its investigations, OFCCP will refer specific issues related to unfair treatment based on national origin and/or immigration status, as appropriate.
- OFCCP will engage in ongoing discussions with sister agencies at the DOL, DOJ, EEOC, and NLRB to keep abreast of new developments, issues, concerns and trends from outside OFCCP.

Equal Employment Opportunity Commission Recommendations

- The Equal Employment Opportunity Commission (EEOC) will continue to educate and train AAPI communities on the topics of race and national origin discrimination, including English-only rules, harassment, and retaliation.
- EEOC will continue to educate and train AAPI communities on the agency's process and procedures for filing discrimination complaints, including the time period for filing, and other jurisdictional requirements.
- EEOC will continue to educate and train AAPI communities on the topics of labor trafficking and EEO law.
- EEOC will continue to educate and train AAPI communities on the agency's U visa procedures and its requirements for certifying U visas.
- EEOC will continue to strengthen existing partnerships with AAPI organizations and pursue new partnerships, as appropriate, to ensure effective outreach to AAPI communities.
- EEOC will continue to collaborate and partner with other agencies to conduct joint outreach and training to AAPI communities.
- EEOC will conduct an assessment of EEOC's language access plan to ensure adequate agency provision of translation services to non-English speaking populations, specifically including AAPI communities.
- EEOC will conduct follow-up meetings with AAPI communities who have attended prior listening sessions.

National Labor Relations Board Recommendations

- The National Labor Relations Board (NLRB) will continue to work with AAPI communities across the country to educate workers regarding their rights to organize, engage in group efforts to improve their wages and working conditions, and determine whether to have unions as their bargaining representatives to collectively bargain on their behalf, or refrain from such activities.
- NLRB will continue to educate AAPI workers and their employers and bargaining representatives about unfair labor practices and the Agency's processes and procedures.

- NLRB will continue to consider whether to certify individuals, necessary for case processing, for U and T Visas.
- NLRB will continue to participate in joint outreach with other agencies, interagency working groups, fairs, forums, conferences, training, consulate events to reach AAPI workers and their employers in all industries nationwide, particularly low-wage industries such as healthcare, construction, fast food, hospitality, restaurants, and nail salons.
- NLRB will continue to enter into letters of agreement with foreign ministries, including those servicing the AAPI community, designed to strengthen collaborative efforts to provide workers, their employers and business owners in the U.S. with information, guidance and access to information about statutory rights and responsibilities, as well as NLRB services.
- NLRB will continue efforts to collaborate with other agencies, to share information, and to coordinate coextensive matters that involve the AAPI community, for example, issues involving protected concerted activity, along with citizenship status, safety concerns, wage and hour violations, and national origin discrimination, as appropriate.
- NLRB will begin a communication plan to reach vulnerable populations, such as those from the AAPI community, via its website, blog, YouTube, Facebook, Twitter, and other media.
- NLRB will continue to offer to cross-train representatives from the other involved agencies at the local level.
- NLRB will continue to recruit for AAPI culturally aware and language-competent Board agents and will offer the services of these Board agents for translation and interpretation at joint outreach events.
- NLRB commits to more collaboration and engagement with local AAPI community-based organizations and to partner with them for reaching out to and/or facilitating meetings with workers.
- NLRB commits to coordinating and participating in additional and follow-up AAPI listening sessions around the country, and to facilitate the participation as featured speakers of workers from the AAPI community who have successfully navigated our process and obtained appropriate remedies.
- NLRB commits to timely processing cases and providing status updates to workers who have engaged the Agency's processes, including those from the AAPI community.
- NLRB will begin the process of translating more mission-related materials into AAPI languages and to make them prominent on the Agency's website.

These recommendations will serve as a guide for future action. Agencies may decide to refine their respective mission statements or enforcement protocols, modify staff training, or review and reconsider enforcement and outreach priorities, consistent with the recommendations outlined here. These listening sessions are part of an ongoing process designed to provide a platform for advancing the workplace rights of AAPI communities.

V. Next Steps

The recommendations highlighted in this report are the initial phase of an ongoing plan. The AAPI Vulnerable Workers Project Interagency Working Group is committed to continuing to identify specific AAPI employment and labor challenges, educating the AAPI workforce about their federal civil rights and labor protections, and operationalizing strategic enforcement and policy priorities as a result of the information obtained during these listening sessions. The Working Group plans to incorporate lessons learned, best practices, and new initiatives into our normal agency operations in an effort to better serve our AAPI communities across the nation. We will continue to work toward solutions, clarity, and better coordination.