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Fiduciary Duties Regarding Proxy Voting and Shareholder Rights

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Comment 0126 Cottington 10012020

Submitter Information

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General Comment

Attention: Proxy Voting and Shareholder Rights NPRM
Rule Number: RIN 1210-AB91

Dear Mr. DeWitt,

I am writing to you today with deep concern over the power of proxy advisors and their growing practice of robo voting or automatically voting their clients proxies without necessary review of the implications on plan investments. Due to the lack of transparency created through this practice, I urge the US Department of Labor to consider curbs to this practice as part of your proposed rule around proxy advisors. This issue affects pensions and investments for hardworking people across the country, including Minnesotans for whom I work as a legislative staff person.

I believe that those that represent others, whether legislators or asset managers, have a duty to manage the money entrusted to them in a manner that is both transparent and in the best interests of those they represent. Policies that allow third parties to make decisions with others money to support political or social agendas run afoul of fiduciary duty and should be reformed.

Investors should be assured their asset manager is working to increase investment returns. Allowing asset managers to contract with a firm that provides recommendations not intended to maximize returns negatively impacts investors and violates the agreement between investors and asset managers. This past summer, the SEC provided increased guidance to roll back the practice of robo voting; guidance that should be adopted by the Department of Labor as well.

The proposed rule is a good step forward, but can be strengthened. For the reasons identified here, I urge you to consider curbs to robo voting by proxy advisor firms in order to help strengthen investment managers fiduciary duty to investors.

Sincerely,

Jean Cottington