

**STATEMENT OF JANET DHILLON
NOMINEE TO BE MEMBER AND CHAIR OF THE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
UNITED STATES SENATE**

September 19, 2017

Chairman Alexander, Ranking Member Murray, and Members of the Committee:

Thank you for the opportunity to appear before you today. It is an honor to be here as the President's nominee for Chair of the Equal Employment Opportunity Commission. With me here today is my husband, Uttam Dhillon. We recently celebrated our 32nd wedding anniversary – I am grateful every day for his love and support.

I grew up in Southern California, the daughter of two public school teachers. While we were never wealthy, my parents always found the funds for books and set the example themselves by being voracious readers. My parents also had high standards. They expected that my sister and I would respect our teachers, do well in school, and graduate from college. They never placed any limits on our ambitions – and certainly not because of our gender.

For example, in elementary school I informed my parents that I wanted to learn how to play the trombone. I had seen boys playing trombone in the local high school marching band, and it looked like fun to me. My parents dutifully acquired a trombone - which was more expensive than the flutes that the other girls played. They then spent the next decade driving the trombone (and me) to and from band practices and events. Had I decided to play the flute, as the other girls did, it would have fit in my backpack and I could have walked. For the 10 years I played the trombone in school bands, I was the only girl in the trombone section. I learned early on in my life the importance of equal opportunity.

After college and law school, I was in private practice for thirteen years, most of that time litigating cases. I then moved into an in-house role. I have served as General Counsel of three Fortune 500 companies, in the airline and retail industries. My professional career is a testament to the impact of the Civil Rights Act of 1964, as well as the efforts of the EEOC and others in the Civil Rights community, and the women that went before me. Now, after practicing law in the private sector for over 25 years, I would like to have the opportunity to give back in the form of public service as Chair of the EEOC.

In the over 50 years since the Equal Employment Opportunity Commission was established, this country has made great strides towards achieving the goal of equal opportunity in the workplace. Barriers have been reduced, and opportunities expanded. Yet, unfortunately, the goal of a nondiscriminatory workplace has not been fully achieved, and thus the EEOC's work is not done. Notwithstanding the tremendous efforts on the part of many, including those at the EEOC, there continues to be unlawful discrimination in the workplace. Such discrimination is not only illegal, it is economically counterproductive, and is corrosive to the very fabric of our society.

In my prior roles in the private sector, I have seen the EEOC in action – and the positive impact that it has had on workforces across the country. If I have the privilege of being confirmed as Chair of the EEOC, I would work to build on the agency's legacy to tackle workplace discrimination, seeking to strike a careful balance between enforcement and compliance assistance.

I believe that the EEOC must be highly responsive to the employees who raise claims of discrimination. An employee's decision to bring a charge can be, in many instances, a courageous act – but an act that can also be stressful for the individual and his or her family. We owe it to these employees, as well as everyone else involved, to swiftly address their concerns. Notwithstanding the efforts of many in the agency, the EEOC currently has a substantial backlog of charges – and this situation is not new. It is the sad reality that too often, justice delayed is justice denied. Evidence can be misplaced, and memories fade with the passage of time. The opportunity to quickly remediate a discriminatory practice can also be lost – potentially to the detriment of other impacted employees. Thus, it is critical that charges are handled promptly – it is the right thing to do for employees, as well as employers. Part of that effort involves meaningful conciliation efforts – which are a vital part of the agency's mission. Successful conciliation avoids time-consuming, expensive and stressful litigation. It truly is a win-win result.

I believe that litigation truly is a last resort. However, when it does become necessary, the EEOC's litigation should be conducted in accordance with the highest ethical standards. The EEOC is the preeminent federal agency on workplace discrimination issues – its work in the courtroom should be consistently excellent, and at all times demonstrate respect for both the tribunal and other litigants. The EEOC's litigation attorneys should have access to the resources needed to conduct litigation to these high standards, and should be subject to careful oversight and given appropriate guidance. Courts and others in the litigation process should recognize the EEOC as an honest broker, whose advocacy is above reproach, motives are transparent, and approach is always constructive.

Critically important to the EEOC's mission is outreach and education. I believe that most employers want to be law-abiding; the EEOC should continue to build on its work of providing tools to employers that allow them to be legally compliant. Where the EEOC is called upon to provide guidance or take regulatory action, it should do so in a way that is transparent, and provides opportunities for all stakeholders to provide input. Honest exchanges of views, sharing of best practices, and vigorous debate will result in a better product, which benefits all involved.

The past 50 years has seen tremendous changes in the workplace, which have benefited not only employees and employers, but our nation as a whole. This progress has been remarkable – but the job is not done.

Thank you for your consideration. I look forward to answering your questions.