

November 12, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We write to convey our concerns with, and opposition to, Executive Order 13950, Combating Race and Sex Stereotyping. The community-based human services sector in Massachusetts includes many federal subcontractors covered under your executive order. As written, we believe your order creates confusion and uncertainty, leads to non-meritorious investigations, and hinders the ability of employers to implement critical programs to promote diversity and combat discrimination in the workplace. We urge you to withdraw your Executive Order and work with the human services and nonprofit communities on an approach that supports appropriate workplace training programs.

While the Executive Order notes that it is “appropriate and beneficial” to provide training to employees on creating an inclusive workplace, we believe your order will diminish the amount of training that takes place. It seeks to identify specific concepts that will be prohibited, but the description of these concepts leaves considerable ambiguity as to what content would not be permitted in diversity and inclusiveness training. Further, there is a great deal of subjectivity around how certain content will be perceived by different individuals – for example, the definition of “divisive concepts” is unclear. Because the ultimate threat of debarment is a possible consequence, we fear this may have a chilling effect on organizations providing training. This may prevent organizations from hosting valuable diversity and inclusion trainings that foster inclusive workplaces and help with talent recruitment and retention.

The order also establishes a hotline at the Office of Federal Contract Compliance Programs (OFCCP) to receive complaints from employees about such trainings. Community-based human services organizations are concerned that this will invite non-meritorious complaints from employees who may be disgruntled about a range of different matters. Because of the ambiguity and subjective nature of the key terms contained in the order, it is unclear what type of training material would be compliant or in violation of the order. Even if a company is ultimately found in compliance, it will undergo a review from OFCCP, which represents an administrative burden to many of our limited financed organizations.

The Massachusetts community-based human services sector is committed to maintaining a diverse and inclusive workforce and providing our employees with the necessary training to reinforce this goal. A recent report on the state’s human services sector indicates we’re twice as likely to employ Black workers and 1.5 times as likely to employ Latinx workers than all Massachusetts companies. Additionally, it notes that nearly one in five workers in our sector is a person born outside the United States.¹ It is critical that our sector continue providing programs that promote diversity and inclusion to ensure we can serve clients and consumers on behalf of the Commonwealth. It should be noted that Massachusetts, like other states, has a population that is increasingly diverse and it is important for our

¹ Massachusetts Council of Human Service Providers, Inc. *The Face of the Human Services Sector*. December 2018.

human services providers to offer services that are culturally competent to ensure the best opportunity for success with our clients and the people we serve.

In closing, we feel that your Executive Order on Combating Race and Sex Stereotyping does not help contractors in this regard – and in fact, we believe it creates several significant obstacles and implements. We urge you to withdraw this executive order – and we are willing to work with you and your administration on an approach that addresses any concerns that have been raised while continuing to promote efforts to increase inclusive workplaces.

Thank you for your careful consideration of this issue, and we look forward to hearing from you regarding this matter.

Sincerely,

Association for Behavioral Healthcare
Association of Developmental Disabilities Providers
Children's League of Massachusetts
Massachusetts Association of 766 Approved Private Schools (maaps)
Providers' Council (Massachusetts Council of Human Service Providers)

And our undersigned members: