



September 2022

WORKFORCE DIVERSITY

Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Federal Enforcement Efforts

GAO Highlights

Highlights of [GAO-22-104669](#), a report to congressional requesters

Why GAO Did This Study

The media industry plays a key role in educating and entertaining the public, but some policymakers have raised questions about workforce diversity in the industry. EEOC, the Office of Federal Contract Compliance Programs (OFCCP), and FCC generally oversee media companies' compliance with EEO requirements. GAO was asked to review the representation of Hispanics in the media industry and related federal oversight.

This report examines (1) the representation of Hispanics in the media industry over the last decade, (2) steps selected media companies publicly reported taking to increase workforce diversity, and (3) how key federal agencies have enforced federal EEO requirements in the industry.

GAO analyzed data from the Census Bureau's American Community Survey data for 2010-2019, the most recent data available when GAO did the analysis. GAO interviewed agency officials and stakeholders, including organizations representing media workers and employers. GAO also reviewed diversity reports published on the websites of 15 large media companies, selected in part based on the companies' market value. GAO also reviewed agency documents and enforcement data.

What GAO Recommends

GAO is making three recommendations, including that EEOC and FCC develop a data sharing plan. FCC agreed and EEOC neither agreed nor disagreed with these recommendations. Both agencies said they have begun taking steps to address them.

View [GAO-22-104669](#). For more information, contact Dawn G. Locke at (202) 512-7215 or locked@gao.gov.

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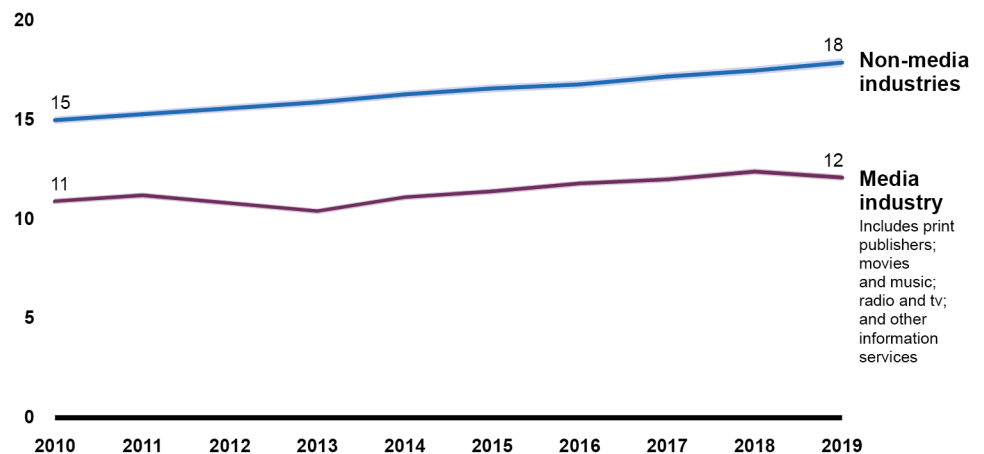
Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Federal Enforcement Efforts

What GAO Found

Hispanic workers are underrepresented in the media industry compared to their representation in the rest of the U.S. workforce. Little change occurred from 2010 through 2019, according to GAO's analysis of the Census Bureau's American Community Survey data (see fig.). The extent of underrepresentation in the media varied by occupation and gender. Stakeholders GAO interviewed identified challenges Hispanics may face working in the industry, such as access to professional networks.

Estimated Percentage of Workers in the Media and in Non-media Industries Who Are Hispanic, 2010 through 2019

Percentage of Hispanic workers (estimated)



Source: GAO analysis of American Community Survey data from the U.S. Census Bureau. | GAO-22-104669

Note: Estimates in the figure have relative standard errors of less than 4 percent.

Leadership commitment, recruitment efforts, and diversity training were among the steps that selected large media companies publicly reported taking to promote workforce diversity.

Federal agencies use complaint investigations and audits to enforce equal employment opportunity (EEO) requirements in the media industry, but gaps in agencies' data sharing and union reporting may hinder enforcement. The Federal Communications Commission (FCC) and the Equal Employment Opportunity Commission (EEOC) no longer have an agreement in place to enable EEOC to share enforcement data. FCC instead relies on companies to self-report discrimination complaints filed against the companies. EEOC's sharing of such data could help FCC determine company compliance with EEO rules. Additionally, according to some stakeholders we interviewed, unions play an important role in helping some media workers obtain employment, and EEOC requires certain unions to file a report on member demographics. However, EEOC officials do not know whether the list of filers is missing unions that should file, nor when the list was last comprehensively updated. Officials told GAO they were exploring options for updating the list. By improving its approach to identifying unions required to file the reports, EEOC will have more complete information to consider when investigating discrimination complaints.

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Abbreviations

AAP	Affirmative Action Program
ACS	American Community Survey
DOL	Department of Labor
EEO	Equal Employment Opportunity
EEO-1	Employer Information Report
EEO-3	Local Union Report
EEOC	Equal Employment Opportunity Commission
FCC	Federal Communications Commission
FEPA	fair employment practices agency
HIRE	Hiring Initiative to Reimagine Equity
MOU	memorandum of understanding
MVPD	multichannel video programming distributor
NAICS	North American Industry Classification System
OFCCP	Office of Federal Contract Compliance Programs
OMB	Office of Management and Budget
PUMS	Public Use Microdata Sample

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September 29, 2022

Congressional Requesters

While the media industry employs a relatively small share of workers in the United States, it plays an important role in entertaining and educating the public—from producing movies and television programming, to publishing books and providing news coverage.¹ As discussed in the 2020 House hearing on diversity in the media industry, the media often serves as a means by which Americans are exposed to ideas and a representation of life different from their own.²

As the U.S. population has become more diverse, many media companies have come to recognize the importance of employing a diverse workforce and reflecting diverse perspectives on screen and in print. However, news reports, studies, and policymakers have raised ongoing questions about workforce diversity in the media industry, including for Hispanic workers.³

You asked us to review representation of Hispanics working in the media industry, including in the film, television, and publishing subsectors, and enforcement of federal equal employment opportunity requirements in the industry. In September 2021, we reported that Hispanics were underrepresented in the media industry and that representation varied by

¹We estimated that the media industry employed an annual average of 1.9 million workers, or 1 percent of the U.S. workforce, according to our analysis of 2015-2019 American Community Survey (ACS) data.

²*Diversity in America: The Representation of People of Color in the Media, Before the H. Comm. on the Judiciary*, 116th Cong. (2020).

³The federal data sources we cite in this report use the term “Hispanic or Latino” in their data collection, which refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. While there is no consensus on a preferred term to describe this population, we use the term Hispanic for the purposes of this report. According to a Pew survey of about 3,000 U.S. adults who identify as Hispanic or Latino, conducted in December 2019, a majority said they prefer the term Hispanic to describe the Hispanic or Latino population in the U.S. See Pew Research Center, *About One-in-Four U.S. Hispanics Have Heard of Latinx, but Just 3% Use It* (Washington, D.C.: August 2020). Latinx is a term used to describe people of Latin American descent and is a gender-neutral or non-binary alternative to Latino or Latina. In 2020, the United States’ 62 million Hispanics made up about 19 percent of the population, according to the U.S. Census. In this report, historically disadvantaged racial or ethnic groups refers to individuals who identify as other than non-Hispanic White.

occupation.⁴ Building on this prior work, this report examines (1) representation of Hispanics in the media industry over the last decade, and challenges stakeholders identified that may contribute to the level of Hispanic representation, (2) steps selected large media companies publicly reported taking to increase workforce diversity, and (3) how key federal agencies enforce federal equal opportunity requirements and promote diversity in the media industry.

To describe the trend in the representation of Hispanic workers in the media industry over the last decade, we analyzed the U.S. Census Bureau's American Community Survey (ACS) 1-year Public Use Microdata Sample (PUMS) from 2010 through 2019, the most recent year of ACS data available at the time of our analysis.⁵ To provide information on the characteristics of workers in the media industry and other industries, we used the 2015-2019 ACS 5-Year PUMS data, which combines the ACS survey results for 5 years and presents the average estimates during those years. We also analyzed data from the U.S. Equal Employment Opportunity Commission's (EEOC) Employer Information Reports (EEO-1) (2014-2018), the most recent 5 years of data at the time of our analysis.⁶

We present occupation data in two different ways. First, we present the estimated percentage of Hispanics in specific media occupations using the 2015-2019 ACS 5-year PUMS data, which estimates the average

⁴GAO, *Workforce Diversity: Analysis of Federal Data Shows Hispanics Are Underrepresented in the Media Industry*, [GAO-21-105322](#) (Washington, D.C.: Sept. 21, 2021).

⁵The U.S. Census Bureau's American Community Survey (ACS) is a nationwide survey that annually collects and produces information on social, economic, housing, and demographic characteristics of the nation's population. The ACS Public Use Microdata Sample (PUMS) files are a set of records from individual people or housing units. The Census Bureau produces ACS 1-year and 5-year PUMS files. The Census Bureau did not release its standard 2020 ACS 1-year PUMS data because of the impacts of the COVID-19 pandemic. For our analysis of ACS data, we included individuals identified as civilian employed and excluded individuals in the Armed Forces and those identified as unemployed or not in the labor force.

⁶The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees and federal contractors with 50 or more employees meeting certain criteria, to submit demographic workforce data, including data by race/ethnicity, sex, and job categories. We analyzed EEO-1 Component 1 data for this report, and any references to the EEO-1 report refer solely to EEO-1 Component 1 data. Collection of EEO-1 Component 1 data for 2019 and 2020 was delayed due to the COVID-19 pandemic.

percentage over that 5-year period.⁷ Second, we present the percentage of Hispanics in the 10 job categories used in the EEO-1 report, which are broader categories that cover media and non-media occupations within the media industry, from entry-level to management-level positions.⁸ We assessed the reliability of the data by (1) reviewing relevant Census Bureau and EEOC documentation, (2) collecting information from officials knowledgeable about the data, and (3) conducting electronic testing of the data. We determined that the data were sufficiently reliable for the purposes of reporting on the representation of Hispanic workers in the media industry.

To gauge stakeholder perspectives on challenges Hispanics may face in working in the media industry, we interviewed researchers, and representatives from unions, industry groups, and Hispanic media organizations. We selected 15 stakeholders to obtain a broad range of perspectives on the media industry, including across media subsectors. This is a non-generalizable sample. See appendix I for a list of stakeholders we interviewed.

To determine steps that selected large media companies publicly reported taking to increase workforce diversity, we conducted a systematic review of reports published on the websites of 25 large U.S. media companies, of which 15 companies had posted information on their diversity initiatives. We reviewed the companies' most recent 10-K reports, proxy statements, and other reports.⁹ To identify the reports

⁷All ACS estimates presented have relative standard errors of less than 30 percent of the estimate, unless otherwise noted. The standard errors are estimated using the successive difference replicate method. We only report estimates and comparisons that are statistically significant at the 95 percent confidence level.

⁸Job categories used for the EEO-1 report include senior-level managers, first- and mid-level managers, professionals, technicians, sales workers, administrative support workers, craft workers, operatives, laborers and helpers, and service workers.

⁹A 10-K report is an annual report that public companies file with the SEC that provides a comprehensive overview of the company's business and financial condition. A proxy statement is a document that contains information for shareholders so they can make informed decisions about matters to be considered at an annual shareholder meeting. We reviewed these reports because GAO previously found that many public companies disclose information about their efforts to promote diversity and inclusion in these documents. See GAO, *Public Companies: Disclosure of Environmental, Social, and Governance Factors and Options to Enhance Them*, [GAO-20-530](#) (Washington, D.C.: July 2, 2020). Other reports and information we reviewed included annual diversity and inclusion reports; annual social, environmental, and governance reports; and any web pages devoted to workforce diversity and inclusion.

included in our review, we conducted systematic searches of the companies' websites. We selected the companies based on their market value, as reported in Bloomberg data, data on movie box office share, and Nielsen ratings on the most watched television networks and streaming services. We used leading diversity management practices identified in prior GAO work as a framework to inform the structure of a standardized data collection instrument.¹⁰ We used this instrument to analyze each of the reports and to categorize information about the initiatives media companies reported related to increasing workforce diversity. Findings from our review are not generalizable to other companies but provide illustrative examples of what selected large media companies disclose publicly on their websites about their workforce diversity initiatives, which may not include all of the companies' diversity efforts. We did not verify the accuracy of this information or assess the implementation or effectiveness of the companies' efforts.

To describe federal equal employment opportunity (EEO) enforcement efforts involving the media industry, we analyzed the results of related enforcement activities conducted by EEOC, the Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP), and the U.S. Federal Communications Commission (FCC), including cases involving discrimination against Hispanic workers. We compared the agencies' efforts to the Office of Management and Budget (OMB) guidance on data sharing and Standards for Internal Control in the Federal Government. We also interviewed federal officials and reviewed agency documents, such as enforcement procedures and reports summarizing agency activities. See appendix I for more information on our objectives, scope, and methodology.

We conducted this performance audit from December 2020 to September 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹⁰GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, [GAO-05-90](#) (Washington, D.C.: Jan. 14, 2005). GAO, *Diversity Management: Trends and Practices in the Financial Services Industry and Agencies after the Recent Financial Crisis*, [GAO-13-238](#) (Washington, D.C.: Apr. 16, 2013).

Background

Media Industry

For the purposes of this report, we defined the media industry to include employers in the following industry subsectors, which are listed by the estimated share of workers in the subsector, according to our analysis of the 2015-2019 ACS 5-year PUMS data:

1. Radio/television broadcasting, cable and other subscription programming (27 percent)
2. Motion picture and video (25 percent)
3. Newspaper, periodical, book, and directory publishers (23 percent)
4. Other information services, including news syndicates, and exclusively internet publishing and/or broadcasting (23 percent)
5. Sound recording (2 percent)¹¹

Workers in the media industry hold a variety of occupations. Some workers are involved in producing media content—those in media occupations¹²—while others are not directly involved in developing media content, such as accountants, sales representatives, or custodians. We

¹¹Estimated shares of workers in the subsectors presented in the list have relative standard errors of less than 4 percent. There is no common definition of the media industry. To determine which industry subsectors to include, we reviewed the approaches other federal agencies have used to report on the media industry workforce. We included the following North American Industry Classification System (NAICS) categories in our analyses because they cover the film, television, and publishing industries: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191). We did not include subsectors that provide the technology and infrastructure to communicate media content. Specifically, we did not include software publishing (5112), telecommunications (5173, 5174, 5179), or data processing (5182) in our definition of the media industry. However, GAO previously reported on workforce diversity in the technology sector, which included these subsectors. See GAO, *Diversity in the Technology Sector: Federal Agencies Could Improve Oversight of Equal Employment Opportunity Requirements*, [GAO-18-69](#) (Washington, D.C.: Nov. 16, 2017).

¹²For the purposes of this report, media occupations include the following 13 occupations: artists; graphic designers; other designers; producers and directors; music directors and composers; broadcast announcers and radio disc jockeys; news analysts, reporters, and journalists; editors, writers, and authors; other media and communication equipment workers; photographers; television, video, and film camera operators and editors; and actors. For details on how we selected these occupations, see appendix I.

refer to the broader group of workers as media industry workers, which is inclusive of workers in media occupations and those in non-media occupations. Of the estimated 1.9 million media industry workers in the United States, an estimated 505,000 workers have media occupations, according to our analysis of the 2015-2019 ACS 5-year PUMS data.¹³

According to our ACS data estimates, workers who held media occupations within the media industry in the United States from 2015-2019 were most heavily concentrated in

- California,
- New York,
- Texas,
- Florida, and
- Illinois.

Based on our analysis of EEO-1 data, a data set that aggregates information submitted to EEOC by media companies, the top five counties with the highest concentration of workers in the media industry from 2014-2018 were New York County, New York; Los Angeles County, California; Santa Clara County, California; San Francisco County, California; and Cook County, Illinois.¹⁴

Federal Role in Promoting Equal Employment Opportunity in the Media Industry

U.S. Equal Employment Opportunity Commission

EEOC is the primary federal agency responsible for enforcing federal employment antidiscrimination laws. Private companies, government employers, and unions are generally prohibited by federal law from discriminating in employment on the basis of race, color, religion, sex

¹³These estimates of the number of media industry workers and media occupation workers have relative standard errors of less than 1 percent.

¹⁴These EEO-1 data represent workers in all occupations in the media industry, including individuals who hold media occupations specifically related to producing media content, as well as individuals who hold other types of jobs, like truck drivers and custodians at media companies. The EEO-1 data include reports from private firms with 100 or more employees and federal contractors with 50 or more employees meeting certain criteria.

(including pregnancy, sexual orientation, and gender identity), national origin, age, disability and genetic information.¹⁵ According to EEOC officials, EEOC primarily oversees employer compliance with EEO requirements by investigating charges of employment discrimination filed against employers; conducting outreach, education, and technical assistance to help prevent discrimination before it occurs; and using its enforcement authority to protect the rights of individuals and the interests of the public, including in the media industry.¹⁶

According to EEOC's enforcement guidance, national origin discrimination includes treating someone less favorably at work because of individuals' (or their ancestors') ethnicity or nationality.¹⁷ For example, an employer may be found to be discriminating based on national origin if they do not assign or refuse to assign employees to certain jobs, or deny employees promotions, based on their national origin. Harassment based on national origin can take different forms, including ethnic slurs, ridicule, intimidation, workplace graffiti, physical violence, or other offensive conduct directed toward an individual because of their birthplace, ethnicity, culture, language, dress, or accent.

Office of Federal Contract
Compliance Programs

DOL's OFCCP is responsible for ensuring that about 24,000 federal contractors and their 123,000 establishments (or individual facilities under a parent company) comply with federal equal employment and affirmative

¹⁵Title VII of the Civil Rights Act of 1964, as amended (Title VII) prohibits employers with 15 or more employees from discriminating in employment on the basis of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and national origin. 42 U.S.C. §§ 2000e(b), 2000e-2(a). The Age Discrimination in Employment Act of 1967, as amended, prohibits employment discrimination against persons 40 years of age or older. 29 U.S.C. §§ 623, 631(a). The Americans with Disabilities Act of 1990, as amended, prohibits employers with 15 or more employees from discriminating in employment on the basis of disability. 42 U.S.C. §§ 12111(5), 12112. Title II of the Genetic Information Nondiscrimination Act of 2008, prohibits employers with 15 or more employees from discriminating in employment because of genetic information. 42 U.S.C. §§ 2000ff, et seq. Whether a specific employer is covered under these statutes depends on whether the employer meets the requirements under each statute, as well as applicable agency regulations and case law.

¹⁶According to EEOC documentation, a charge of discrimination is a signed statement asserting that an employer, union, or labor organization engaged in employment discrimination. It requests EEOC to take remedial action.

¹⁷For more information, see EEOC, "EEOC Enforcement Guidance on National Origin Discrimination," accessed June 14, 2022, <https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination>.

action requirements.¹⁸ Some federal agencies contract with media companies for public relations services, news services, and to produce film/videos, books, and pamphlets, for example.

OFCCP holds federal contractors and subcontractors responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran.¹⁹ In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations. Certain federal contractors are also expected to have a written Affirmative Action Program (AAP), which includes a quantitative analysis that compares the gender, racial, and ethnic makeup of a contractor's workforce to the available labor pool and actions to address employment disparities, among other things.²⁰

OFCCP's enforcement program primarily involves conducting evaluations of contractors' compliance with federal requirements. OFCCP also

¹⁸In May of 2022, we reported on how OFCCP helps federal contractors comply with a law requiring contractors to take affirmative action to employ and promote certain veterans. See GAO, *Equal Employment Opportunity: Better Assistance and Data Use Could Improve Oversight of Veterans' Federal Contractor Employment* [GAO-22-104599](#) (Washington, D.C.: May 26, 2022).

¹⁹OFCCP enforces Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), all as amended, which apply to federal contractors and subcontractors if they meet specific criteria, including contract dollar amount and employee count thresholds. OFCCP's implementing regulations for Executive Order 11246 and these laws may be found at 41 C.F.R. pts. 60-1 to 60-999.

²⁰Generally, covered non-construction contractors that have 50 or more employees and a contract above \$50,000 are required to prepare an AAP within 120 days of the commencement of the contract, and annually review and update the AAP. See generally 41 C.F.R. §§ 60-2.1 to 60-2.35.

investigates complaints it receives that allege discrimination in employment by federal contractors.²¹

U.S. Federal Communications Commission

FCC regulates interstate and international communications by radio, television, wire, satellite, and cable in the United States. FCC has EEO rules and policies for the radio and television broadcasters (broadcasters) and cable/satellite television operators it oversees.²² Under FCC's EEO rules, broadcasters, cable television, and satellite television operators must provide equal employment opportunity to all qualified individuals without regard to their race, color, national origin, religion, or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training, and termination.²³ Among other things, the EEO rules require the companies to have a recruitment program that widely distributes information about job openings, and companies are required to post annual reports on their recruitment activities on FCC's website. FCC has the authority to identify and take action to eliminate discriminatory employment policies and practices at the companies it oversees.²⁴

Before beginning operation, radio and television broadcast stations must receive a license from FCC and cable/satellite television operators must

²¹See 41 C.F.R. § 60-1.24. OFCCP and EEOC have some shared activities and have established a memorandum of understanding (MOU) to minimize any duplication of effort. Under the MOU, all complaints of employment discrimination under Title VII filed with OFCCP shall be simultaneously filed with EEOC. OFCCP acts as EEOC's agent for the purposes of addressing the Title VII component of these complaints. See Memorandum of Understanding among the U.S. Department of Labor, the Equal Employment Opportunity Commission, and the U.S. Department of Justice (November 3, 2020).

²²For the purposes of this report, the term "cable/satellite television operators" refers to the multichannel video programming distributors (MVPDs) that FCC oversees. As reflected in the Communications Act, an MVPD includes, but is not limited to: a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming. 47 U.S.C. § 522 (13); see also 47 U.S.C. § 153(7). The broadcast EEO rules also apply to the Satellite Digital Audio Radio Service. See *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, Report and Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5754, 5791, ¶ 91 (1997) and *Applications for Consent to the Transfer of Control of Licenses, SM Satellite Radio Holdings Inc. to Sirius Satellite Radio Inc.*, Memorandum Opinion and Order and Report and Order, 23 FCC Rcd 12348, 12426, ¶ 174, and note 551 (2008).

²³47 C.F.R. § 73.2080, FCC Form 2100, Schedule 396. For rules applicable to MVPDs, see 47 C.F.R. §§ 76.71-76.79.

²⁴See 47 U.S.C. §§ 334 and 554; 47 C.F.R. § 73.2080; and 47 C.F.R. § 76.77.

file a registration form with FCC. A broadcaster's license generally needs to be renewed every 8 years.²⁵ In fiscal year 2020, FCC reported there were 19,541 licensed broadcast stations (radio and television) and 710 registered cable/satellite television operators. FCC's role in overseeing program content is very limited, according to FCC officials. For example, FCC does not license television or radio networks or channels (such as CBS, NBC, ABC or Fox) and does not regulate information provided over the internet.

Federal Data Show Little Increase in Hispanic Representation in the Media Industry, and Stakeholders Cited Challenges for These Workers in Obtaining Employment

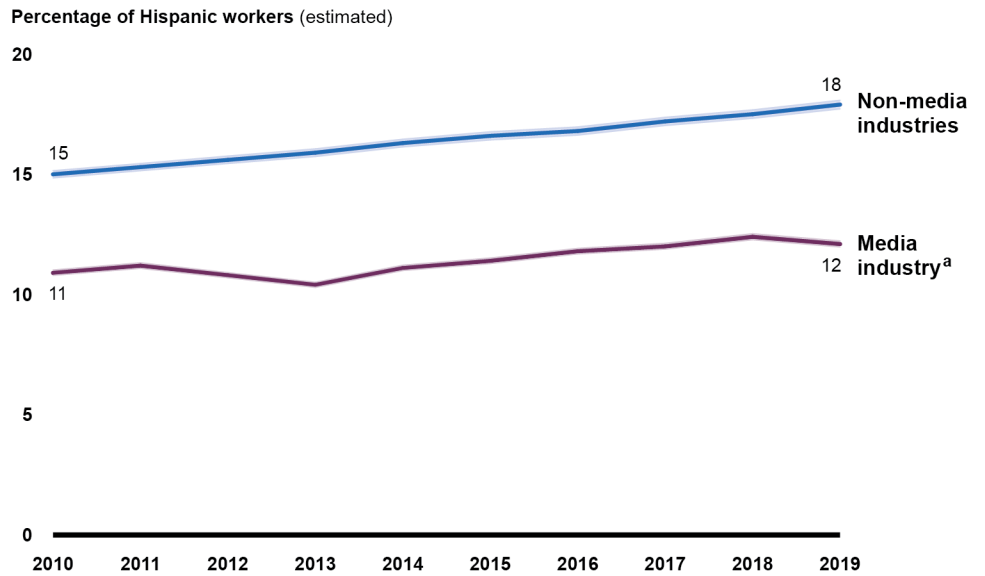
Hispanics Are Underrepresented in the Media Industry, with Data Showing Little Increase in Representation from 2010 through 2019

From 2010 through 2019, Hispanic workers were underrepresented in the media industry compared to their representation in the rest of the workforce, according to our analysis of ACS data (see fig. 1).²⁶ Specifically, in 2019, Hispanics made up an estimated 12 percent of workers in the media industry compared to an estimated 18 percent of workers in the rest of the workforce (workers in all industries outside of the media industry, combined).

²⁵47 U.S.C. § 307(c). In order to renew a station's license, the FCC must find among other things that the station has "served the public interest, convenience, and necessity."⁴⁷ U.S.C. § 309(k)(1)(A).

²⁶We used ACS 1-year PUMS data from 2010 through 2019 to estimate the overall trends in Hispanic representation in the media industry over 10 years. For our analyses of Hispanic representation by industry and within the media industry, by gender and occupation, we used the 2015-2019 ACS 5-year PUMS data, which combine annual ACS survey results for 5 years and present the average estimates during those years. We use these combined data to analyze various population subgroups with more precision. See appendix I for additional information on our methodology.

Figure 1: Estimated Percentage of Hispanic Workers in Media Industry and All Other Industries, 2010 through 2019



Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Notes: Estimates in this figure have relative standard errors of less than 4 percent. In our analysis, the percentage of Hispanic workers in “all other industries” is the sum of the estimated number of Hispanic workers in all industries outside of the media industry (non-media industries) divided by the total estimated number of workers in the non-media industries.

^aThe media industry includes companies classified under the following North American Industry Classification System (NAICS) codes: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191).

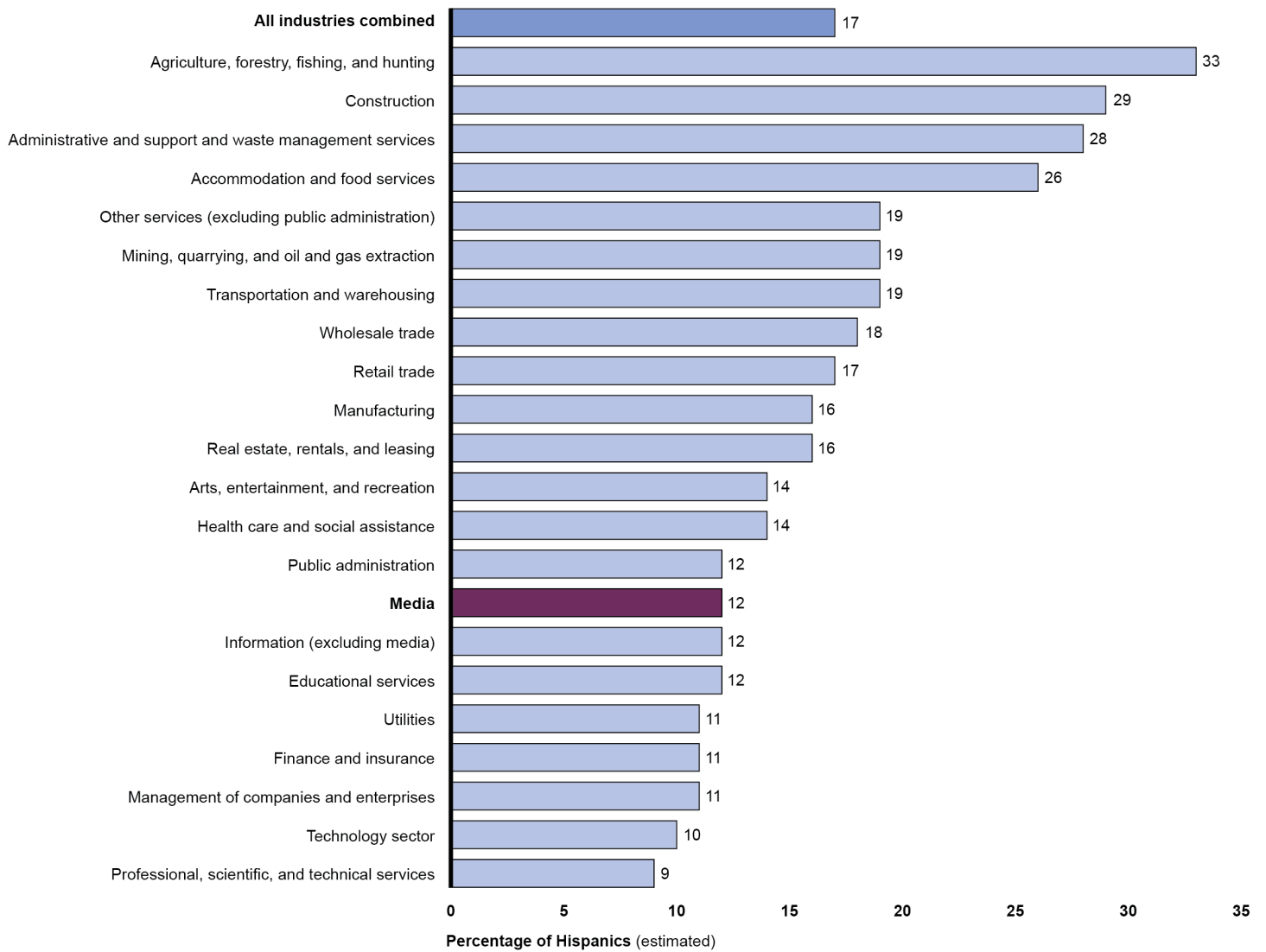
Our analysis shows little increase in the overall representation of Hispanics in the media industry over the past decade. The percentage of workers in the media industry who were Hispanic increased an estimated 1 percentage point from 2010 to 2019 (from 11 to 12 percent), whereas Hispanic representation in all other industries combined increased at a

slightly faster pace, changing 3 percentage points over the same period (from 15 to 18 percent).²⁷

By another measure, Hispanics are underrepresented in the media industry (12 percent), compared to their overall share of the civilian employed workforce (17 percent), according to our analysis of 2015-2019 5-year ACS data (see fig. 2). Across all industries in this workforce, the estimated percentage of Hispanic workers ranged from 9 percent in the professional, scientific, and technical services industry to 33 percent in the agriculture, forestry, fishing, and hunting industry. Hispanic representation in the media industry was closer to the bottom of the range, at 12 percent over the 5-year period.

²⁷From 2010 to 2019, White representation in the media industry declined 5 percentage points (from 73 to 68 percent), Black representation held steady at 9 percent, Asian representation increased two percentage points (from 5 to 7 percent), and representation of individuals that identified their race or ethnicity as "other" increased one percentage point (from 2 to 3 percent). For the race and ethnicity categories in this report, we included only non-Hispanics for the White, Black, Asian, and Other categories. These estimates across different race and ethnic groups have a maximum relative standard error of 6 percent. For additional information on representation in the media and non-media industries by race and ethnicity, see appendix II.

Figure 2: Estimated Percentage of Hispanic Workers by Industry, 2015-2019



Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Notes: Estimates in this figure have relative standard errors of less than 4 percent. All industries combined includes all industries in the civilian employed workforce (including media and non-media industries).

The media industry includes companies classified under the following North American Industry Classification System (NAICS) codes: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191).

Other services includes a broad range of service-providing industries not included elsewhere in NAICS, including equipment repair, religious activities administration, grantmaking and advocacy, dry cleaning and laundry services, personal care services, and death care services.

Hispanic Representation in the Media Industry Varied by Occupation and Gender

Within the media industry, Hispanic representation varied by occupation and gender, according to our analysis of 2015-2019 5-year ACS data (see fig. 3).²⁸ Across 13 media occupations, we estimated that 10 percent of these workers overall were Hispanic in 2015-2019,²⁹ with Hispanic representation ranging from 7 percent of writers and authors to 16 percent of music directors and composers.³⁰ We also found that Hispanic women were substantially underrepresented relative to Hispanic men in media occupations with the highest concentration of Hispanic workers over the 5-year period.³¹ Specifically, the representation of Hispanic women was much lower among television, video, and film camera operators and editors, other media and communication equipment

²⁸The ACS asks survey respondents to identify their sex (male or female). In this report, we use the term “gender” to refer to these data.

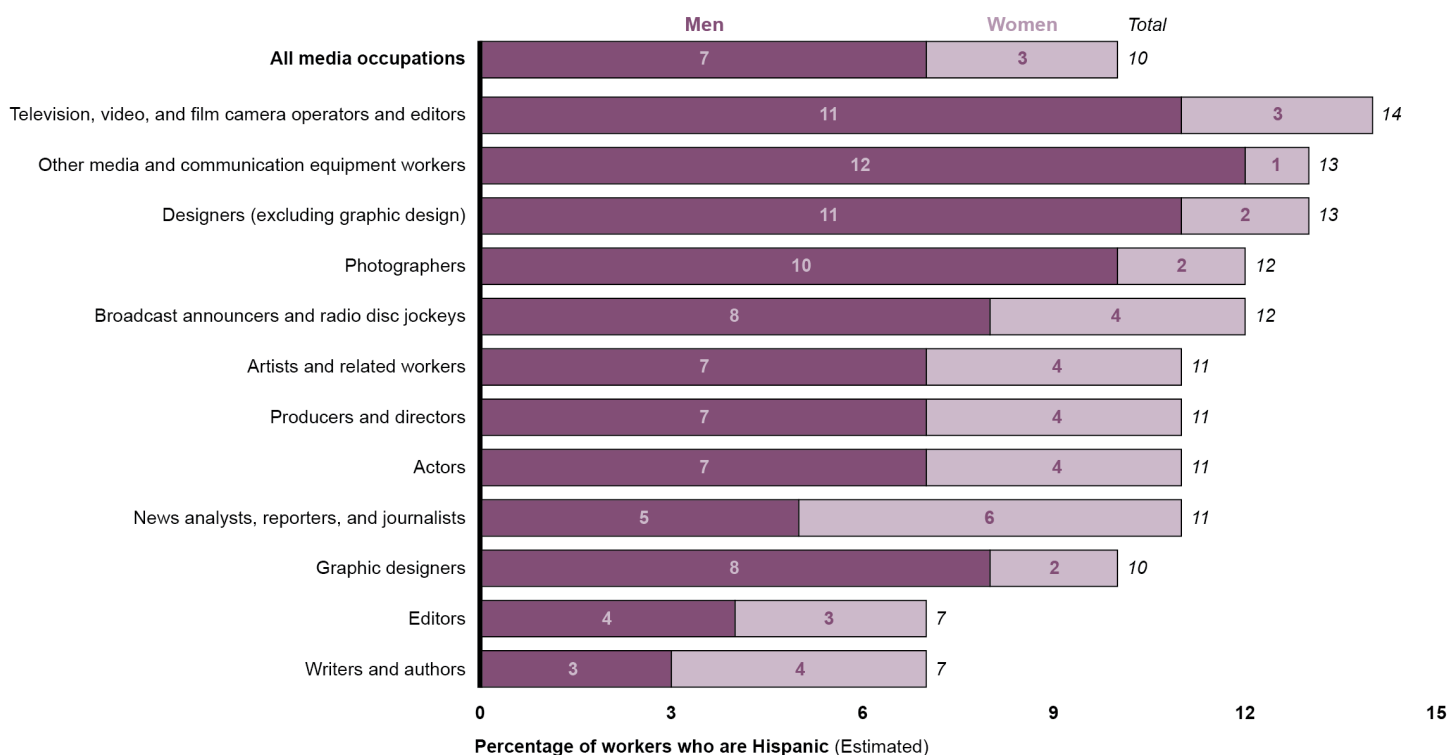
²⁹In September 2021, averaging ACS 1-year PUMS data from 2018 and 2019, we estimated that Hispanic workers comprised 11 percent of media occupations in the media industry, with the 95 percent confidence interval from 10.0 to 11.5 percent. Here, analyzing 2015-2019 ACS 5-year PUMS data, we estimate that Hispanics comprised 10 percent of workers in media occupations in the media industry, with the 95 percent confidence from 9.9 to 10.9 percent. The difference in the point estimates of proportions may reflect the different years of data and the different scope of survey sample population included in ACS 1-year and 5-year PUMS data. See [GAO-21-105322](#).

³⁰We were unable to separately estimate the percentage of Hispanic women and men in the music director and composer occupation due to low sample size, though they are included in the total for all media occupations. Thus, only 12 media occupations are captured in figure 3. The relative standard error for the estimated percent in media occupations that are Hispanic (10 percent) is 3 percent. The relative standard error for the estimated percent of writers and authors that are Hispanic (7 percent) is 11 percent and the relative standard error for the estimated percent of music directors and composers that are Hispanic (16 percent) is 25 percent. For our analysis, media occupations included the following occupations: Artists and Related Workers; Graphic Designers; Other Designers; Producers and Directors; Music Directors and Composers; Broadcast Announcers and Radio Disc Jockeys; News Analysts, Reporters, and Journalists; Editors, Writers and Authors; Other Media and Communication Equipment Workers; Photographers; Television, Video, and Film Camera Operators and Editors; and Actors.

³¹For additional information on media and non-media industries by race and ethnicity and gender, see appendix II.

workers, designers, and photographers, compared to the representation of Hispanic men.³²

Figure 3: Estimated Percentage of Media Industry Workers Who Are Hispanic, by Media Occupation and Gender, 2015-2019



Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Notes: The relative standard error for all estimates presented in this figure is 30 percent or less, unless otherwise noted. Two estimates had relative standard errors above 30 percent: the estimated percentage of workers who are Hispanic women designers (excluding graphic design) (2 percent) and the percentage of workers who are Hispanic women photographers (2 percent). The 95 percent confidence interval for the estimated 2 percent of workers who are Hispanic women designers (excluding graphic design) is 1.0 to 3.4. The 95 percent confidence interval for the estimated 2 percent of workers who are Hispanic women photographers is 0.6 to 4.7.

The ACS asks survey respondents to identify their sex (male or female). In this report, we use the term “gender” to refer to these data.

³²Some researchers have similarly found a gender disparity among Hispanic workers in particular media occupations. For example, a study of the 100 top-grossing films from 2007-2019 found that only 61 out of 1,447 (4 percent) directors were Hispanic. Of the 61 directors that were Hispanic, only three were Hispanic women. Findings from this study are not generalizable to directors or films outside the study’s sample. Annenberg Inclusion Initiative, *Hispanic and Latino Representation in Film: Erasure on Screen & Behind the Camera Across 1,300 Popular Movies* (Los Angeles, CA: Annenberg Inclusion Initiative, September 2021).

Only 12 of the 13 media occupations we analyzed in this report are captured by this figure, as we were unable to estimate the percentage of Hispanic women and men in the music director and composer occupation due to low sample size.

In September 2021, averaging ACS 1-year PUMS data from 2018 and 2019, we estimated that Hispanic workers comprised 11 percent of media occupations in the media industry, with the 95 percent confidence interval from 10.0 to 11.5 percent. Here, analyzing 2015-2019 ACS 5-year PUMS data, we estimate that Hispanics comprised 10 percent of workers in media occupations in the media industry, with the 95 percent confidence from 9.9 to 10.9 percent. The difference in the point estimates of proportions may reflect the different years of data and the different scope of survey sample population included in ACS 1-year and 5-year PUMS data. See GAO, *Workforce Diversity: Analysis of Federal Data Shows Hispanics Are Underrepresented in the Media Industry*, [GAO-21-105322](#) (Washington, D.C.: Sept. 21, 2021).

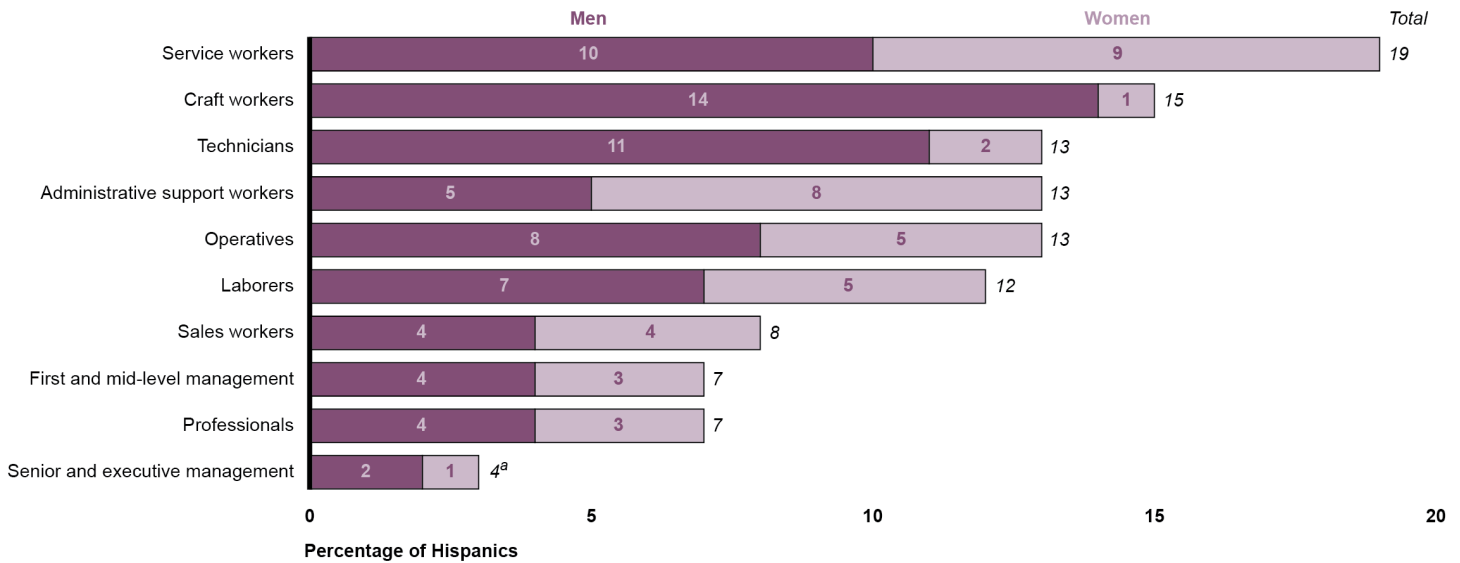
The media industry includes companies classified under the following North American Industry Classification System (NAICS) codes: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191).

Using another data source—EEOC’s EEO-1 report data collected from media companies from 2014-2018—we found Hispanic representation in the media industry varied widely by ten EEO-1 job categories, with gender differences across some categories (see fig. 4).³³ By job category, Hispanic representation ranged from 4 percent of senior and executive managers to 19 percent of service jobs. We also found that among two media jobs with the highest representation of Hispanic workers—craft workers and technicians—Hispanic women had much lower representation compared to Hispanic men.³⁴

³³EEOC uses the term “sex” in the EEO-1 report form and employers are directed to enter the number of male and female workers by job category and race/ethnicity. In this report, we use the term “gender” to refer to these data. We used the most recent 5 years of EEOC annual Employer Information Reports (EEO-1) data available at the time we conducted our analysis to provide information on the characteristics of media company workers from 2014-2018. See appendix I for additional information on our methodology.

³⁴Craft worker positions include carpenters and electricians, among others. Technicians include positions such as audio, video, or lighting technicians. See appendix III for additional data on the percentage of workers in each EEO-1 job category by race/ethnicity.

Figure 4: Percentage of Hispanic Workers in the Media Industry by Job Category and Gender, from EEOC Employer Information Reports, 2014-2018



Source: GAO analysis of U.S. Equal Employment Opportunity Commission (EEOC), Employer Information Report data. | GAO-22-104669

Notes: These data reflect information about full- and part-time employees reported by EEO-1 Component 1 filers during a workforce snapshot period chosen by the employer from the third quarter of the calendar year for the reporting years 2014-2016 and the fourth quarter of the calendar year for the reporting years 2017-2018. EEO-1 Component 1 filers include private firms with 100 or more employees and federal contractors with 50 or more employees meeting certain criteria. Independent contractors and freelance workers are not included in these data. Therefore, our counts do not include the races or ethnicities of those individuals. This may affect our analysis if this particular workforce is skewed for certain racial or ethnic groups.

The media industry includes companies classified under the following North American Industry Classification System (NAICS) codes: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191).

EEOC asks employers to identify their employees' sex (male or female). In this report, we use the term "gender" to refer to these data.

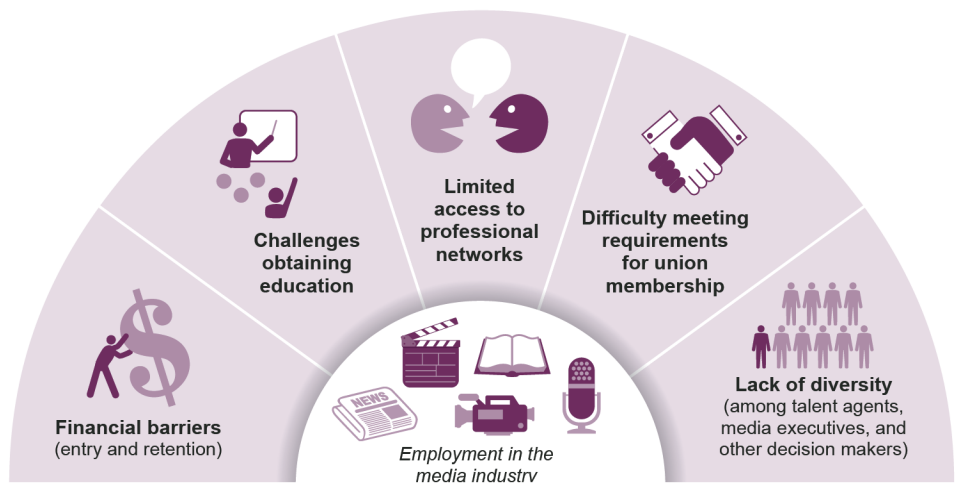
^aThe percentage of workers in senior and executive manager positions who were Hispanic men (2.4 percent) plus the percentage of these workers who were Hispanic women (1.3 percent) rounds to 4 percent.

Stakeholders Identified Challenges That May Contribute to the Lower Representation of Hispanics in the Media Industry

The 15 stakeholders we interviewed—including researchers and representatives from industry groups, unions, and Hispanic media not-for-profit organizations—identified several challenges that they believed may contribute to the lower representation of Hispanics in the media

industry.³⁵ These challenges include financial barriers, difficulty obtaining necessary education, and obstacles to establishing professional networks. Other challenges stakeholders cited included access to key entities within the media industry, such as unions, and lack of diversity among talent agents and decision makers like executives, directors, and producers (see fig. 5).

Figure 5: Stakeholder-Identified Challenges Hispanics May Face in Obtaining Work in the Media Industry



Source: GAO analysis based on stakeholder interviews. | GAO-22-104669

Financial Barriers

Seven of 15 stakeholders we interviewed described financial barriers to gaining entry to or working in the media industry. For example, the cost of obtaining the necessary education and training to help enter the media industry may be out of reach for some Hispanics.³⁶ Additionally, some Hispanic students face financial strain when they have to quit a paying job and re-locate to take advantage of internship opportunities, which are frequently unpaid, according to one stakeholder. Another stakeholder said the low pay associated with entry-level jobs, along with other financial

³⁵See appendix I for a list of stakeholders we interviewed.

³⁶According to U.S. Census estimates, in 2019, median household income was \$98,174 for Asian households, \$76,057 for White households, \$56,113 for Hispanic households, and \$45,438 for Black households. Further, in 2019, the poverty rate for Hispanics (15.7 percent) was more than twice that for non-Hispanic Whites (7.3 percent). Department of Commerce, Census Bureau, *Income and Poverty in the United States: 2019*, Current Population Reports (Washington, D.C.: September 2020).

factors such as student debt, contributes to attrition in the film industry among Hispanics.

Stakeholders cited additional financial challenges to working in the media industry. For example, two stakeholders said that due to the project-based nature of many jobs, securing long-term employment can be difficult for Hispanics. The related financial insecurity, one stakeholder added, may be further compounded by the limited availability of jobs offered to Hispanics overall. Another stakeholder said that in publishing, the pay structure that sometimes pays out small sums over several years can be a deterrent to Hispanic authors without additional financial means to sustain them. Further, a stakeholder in broadcasting said that relatively few financial resources are dedicated to producing content for Hispanics, which may limit opportunities available to Hispanic workers.

Challenges Obtaining Education

In addition to the high cost of education, seven of 15 stakeholders told us about other challenges to obtaining the education necessary to work in the media industry. For example, the highly competitive nature of leading film and journalism schools can limit opportunities for individuals, including Hispanics, who are looking for a path into media careers.³⁷ Stakeholders told us that education is particularly important because it can help individuals build their professional networks, which is beneficial throughout one's career. Another stakeholder added that attending certain schools can provide better access to internships. One stakeholder told us that some Hispanics may not know about educational opportunities that lead into the media industry, and therefore may not see these careers as a real option. Other stakeholders cited a lack of awareness about available job opportunities and suggested the industry

³⁷According to one stakeholder we interviewed and our analysis of ACS data, individuals can get into the media industry without a college degree, but most workers in media occupations have one. An estimated 71 percent of all workers in media occupations had a bachelor's degree or higher, over the 5-year period from 2015-2019, according to our analysis of ACS data. By race and ethnicity, 58 percent of Hispanics in media occupations had a bachelor's degree or higher, compared to about 73 percent of White workers. In comparison, an estimated 35 percent of all workers in the workforce had a bachelor's degree or higher, according to our analysis of 2015-2019 ACS data. By race and ethnicity, an estimated 39 percent of all White workers and 17 percent of all Hispanic workers in the workforce had a bachelor's degree or higher. The most common fields of study among workers of all races and ethnicities in media occupations included: Journalism, Communications, English Language and Literature, Mass Media, Film Video and Photographic Arts, Fine Arts, Commercial Art and Graphic Design, Political Science and Government, Drama and Theater Arts, and Communication Technologies. Estimates presented in this footnote have relative standard errors of less than 3 percent.

could do a better job of increasing Hispanics' exposure to this information in secondary school.

Limited Access to Professional Networks

Eight of 15 stakeholders we spoke with told us that some Hispanics may not have access to professional networks, which can be critical for obtaining jobs, given the relationship-driven nature of the media industry. Stakeholders attributed the limited access to networks, in part, to a lack of family connections to the industry and professional relationships that one might develop in school. In short, they said many Hispanics may not know anyone who works in the industry. One stakeholder added that some jobs are not advertised, but are instead filled by people the decision maker knows.

Difficulty Meeting Union Membership Requirements

Six of 15 stakeholders cited difficulty in joining unions as a challenge for Hispanics, due to some unions' work experience requirements. Unions play an important role in helping workers in certain media occupations obtain employment, according to stakeholders we interviewed.³⁸ Unions can also help their members secure better pay and working conditions, as well as alert workers to job openings, according to five stakeholders we interviewed. Union contracts sometimes require employers to give preference in hiring to workers with certain levels of professional experience, according to representatives from two of the three unions we interviewed.³⁹ Stakeholders also said Hispanic workers may find it difficult to gain the work experience required to join a union because they lack professional connections to secure lower-level jobs that build those requisite qualifications.⁴⁰ Representatives from one union said that membership is never a requirement but is helpful to get a job in the field. They likened membership to other professional credentials, in that it reflects a person's commitment to the profession.

³⁸Publishing, broadcasting, and journalism stakeholders we interviewed did not cite union membership as a challenge for Hispanics working in those fields.

³⁹The Bureau of Labor Statistics estimated that in 2020, 15 percent of workers in the motion picture and sound recording industry were part of a union, compared to 7 percent of private-sector workers overall. These data also show that 9 percent of radio and television broadcasting workers and 3 percent of publishing workers held union membership. U.S. Bureau of Labor Statistics, *Union affiliation of employed wage and salary workers by occupation and industry, 2019-2020 annual averages, Current Population Survey (CPS)*. These data include the sole or principal job of full-time wage and salary workers and do not include self-employed workers

Lack of Diversity among Talent Agents, Media Executives, and Other Decision Makers

According to six of 15 stakeholders we spoke with, representation by a talent agent is important for workers in some media occupations, and a lack of diversity among talent agents can negatively affect the diversity of who is shown on screen and in print. One stakeholder said that in film and television, talent agents pitch clients they think are likely to be cast, and they may not promote Hispanic actors for particular roles if they perceive limited demand for Hispanics on screen.⁴¹ Likewise, one publishing stakeholder said literary agents may be deterred from signing Hispanic authors, both due to a perception that readers may be less interested in their work, and because Hispanic authors have historically had a lower rate of acquisition by publishers and have received lower advances. Other stakeholders said that increasing the diversity of talent agents likely would increase diversity in the industry overall, because agents tend to seek out clients to whom they can relate, which sometimes includes having a shared racial or ethnic background.⁴² This stakeholder believed that the lack of diversity in the industry could limit the ability of Hispanics to see what opportunities are possible for themselves.

Similarly, some stakeholders we spoke with (six out of 15) told us they thought a lack of diversity among executives and others who make hiring and content decisions can negatively affect diversity in the media workforce. Hispanics comprised 4 percent of workers in senior and executive management positions in media companies from 2014-2018, according to our analysis of EEOC data. Stakeholders said they believed that the relatively small proportion of Hispanics in positions of influence in

⁴¹On-screen opportunities for Hispanic actors are limited in both number and content, according to stakeholders and some research. One study of the 100 top-grossing movies from 2007 to 2019 found that only 5 percent of speaking characters were Hispanic. Findings from this study are not generalizable to characters or films outside the study's sample. Annenberg Inclusion Initiative, *Inequality in 1,300 Popular Films: Examining Portrayals of Gender, Race/Ethnicity, LGBTQ & Disability from 2007 to 2019* (Los Angeles, CA: September 2020). Another study analyzing top-grossing films of 2019 found that Hispanic actors were frequently typecast in on-screen roles. The study identified criminality as a common attribute associated with Hispanic speaking characters. For example, 28 out of 94 Hispanic characters were portrayed as criminals. Findings from this study are not generalizable. Ariana Case, Zoily Mercado, Karla Hernandez, Dr. Katherine Pieper, Dr. Stacy L. Smith, Marc Choueiti, and Jacqueline Martinez, Annenberg Inclusion Initiative, *Hispanic and Latino Representation in Film: Erasure On Screen & Behind the Camera Across 1,300 Popular Movies* (Los Angeles, CA: September 2021).

⁴²Based on our analysis of ACS data from 2015-2019, we found that an estimated two-thirds of talent agents were White (66 percent), 13 percent were Black, 13 percent were Hispanic, 4 percent were Asian, and 4 percent identified as other race/ethnicity over the 5-year period. Estimates presented in this footnote have relative standard errors of less than 9 percent.

the industry resulted in fewer people who could effectively advocate for an increase in the recruitment and hiring of Hispanic workers.⁴³ Some stakeholders said they thought this lack of diversity among decision makers may lead them to dismiss Hispanic content as unmarketable to a broad audience. Others told us the extent of diversity among the Hispanic community was not well understood by some media decision makers. For this reason, seven stakeholders thought there might be limited opportunities to portray variation among Hispanics in on-screen roles and in print, and one stakeholder said that characters depicting Black or Indigenous Hispanics were nearly nonexistent. Some research supports the idea that diversity among decision makers in the entertainment industry increases workforce diversity overall. Specifically, according to one study of the 100 top-grossing films of 2019, those directed by women tended to have more female leading characters than the top films directed by men, and those films directed by Black directors were more likely to feature Black leading characters compared to films with directors who were not Black.⁴⁴ Another study of the top 200 films in 2020 found that films written or directed by women and individuals from historically disadvantaged racial or ethnic groups had more diverse casts than those written or directed by White men.⁴⁵

⁴³Additionally, one study found that in 2020, the heads of 11 studios were 91 percent White and 82 percent male, while senior executives were 93 percent White and 80 percent male. The report also found that Unit Heads, responsible for casting and marketing, were 86 percent White. UCLA, *Hollywood Diversity Report 2020* (Los Angeles, CA: UCLA College of Social Sciences, 2020).

⁴⁴Annenberg Inclusion Initiative, *Inequality in 1,300 Popular Films: Examining Portrayals of Gender, Race/Ethnicity, LGBTQ & Disability from 2007 to 2019* (Los Angeles, CA: September 2020). Findings from this study are not generalizable to films outside the study's sample.

⁴⁵UCLA, *Hollywood Diversity Report 2021* (Los Angeles, CA: UCLA College of Social Sciences, 2021). Findings from this study are not generalizable to films outside the study's sample.

Selected Companies Publicly Reported Leadership Commitment and Using Recruitment, Employee Groups, Training, and Other Steps to Increase Workforce Diversity

We found that selected companies publicly reported taking a variety of steps to increase their workforce diversity. Specifically, we found that 15 of the 25 media companies whose websites we reviewed publicly posted documents that included information about their workforce diversity initiatives.⁴⁶ We then identified examples of steps the companies reported taking to increase workforce diversity, categorizing them into two groups: (1) leading diversity management practices identified in prior GAO work⁴⁷ and (2) other diversity initiatives.

Examples of Steps Selected Media Companies Reported Taking that Follow Leading Diversity Management Practices

In our previous work on workplace diversity, we identified a number of leading practices implemented by employers that have made commitments to increase the diversity of their workforces.⁴⁸ Table 1 lists these leading practices, along with examples of steps we identified in the selected media companies' documents that follow the leading practices.⁴⁹ The most common leading practices we identified companies following,

⁴⁶We included companies that were among the largest publicly held media companies, based on their market capitalization. The selected companies span film and television production, as well as publishing (including news, magazine, or book publishing), and they collectively employ over 300,000 workers, according to Bloomberg data. We did not find information on diversity initiatives on 10 of the companies' websites. For more information on our methodology, see appendix I.

⁴⁷In a January 2005 report, we described a set of nine leading diversity management practices identified by experts that should be considered when an organization is developing and implementing diversity management. See GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, [GAO-05-90](#) (Washington, D.C.: Jan. 14, 2005). These practices were also validated by industry officials in a subsequent GAO report in 2013. Diversity management refers to a process intended to create and maintain a positive work environment that values individuals' similarities and differences, so that all can reach their potential and maximize their contributions to an organization's strategic goals and objectives.

⁴⁸[GAO-05-90](#).

⁴⁹We did not assess the implementation or effectiveness of the efforts taken by the companies.

based on these documents, included top leadership commitment, recruitment, employee involvement, and diversity training.⁵⁰

Table 1: GAO’s Leading Diversity Management Practices and Relevant Examples GAO Identified in Selected Media Companies’ Public Reports

GAO leading diversity management practices	Examples reported by companies
Top leadership commitment—a vision of diversity as demonstrated and communicated throughout an organization by top-level management (e.g., CEO-signed diversity and inclusion policy statement).	<ul style="list-style-type: none"> • A publishing company reported establishing a diversity advisory council to provide guidance and help hold company leadership accountable for building and maintaining a diverse and inclusive workforce. This council also tracks progress and identifies implementation barriers. • A broadcasting company’s board reported assigning specific responsibilities for improving company diversity, such as having the leadership development and compensation committee oversee efforts to gain and maintain diversity among employees and management.
Diversity linked to company performance—the understanding that a more diverse and inclusive work environment can yield greater productivity and help improve individual and organizational performance.	<ul style="list-style-type: none"> • A broadcasting company stated that its diversity enables it to be more reflective of the audiences it reaches and enhances its ability to create programming that serves all viewers. • A film company stated that, paired with its company culture, diversity and inclusion enables it to be more innovative and creative by bringing in different lived experiences and perspectives.
Measurement—a set of quantitative and qualitative measures of the impact of various aspects of a diversity program.	<ul style="list-style-type: none"> • A publishing company has posted its workforce composition data by race and ethnicity— including for Hispanics—as a baseline for assessing future trends. Data were presented by type of position, with separate graphs for management-level employees and the top executive team, enabling easy comparisons of the proportion of persons from groups at each level. • For nearly 10 years, a film company has posted workforce diversity data for several job categories and its overall workforce on its job openings web page. It used graphs to show the representation of different racial/ethnic groups. • A publishing company set a goal to improve workforce diversity, including increasing by 30 percent the number of individuals from historically disadvantaged racial and ethnic groups who are in leadership positions.
Accountability—the means to ensure that leaders are responsible for diversity by linking their performance assessment and compensation to the progress of diversity initiatives.	<ul style="list-style-type: none"> • A film company’s board of directors’ compensation committee stated it made achieving diversity and inclusion objectives the highest weighted non-financial factor in determining top officers’ performance bonuses. • A publishing company’s board of directors reported approving bonus compensation for senior leaders who demonstrated a commitment to diversity and inclusion.
Succession planning—an ongoing, strategic process for identifying and developing a diverse pool of talent for an organization’s potential future leaders.	<ul style="list-style-type: none"> • A film company reported creating a talent pipeline that used several programs to identify and develop talented individuals from underrepresented groups for advancement. • A broadcast company reported establishing a leadership development program to equip diverse, high-potential talent with the tools needed for career building and advancement.

⁵⁰We determined how commonly a leading practice was reported based on the number of companies that reported at least one effort related to that practice.

GAO leading diversity management practices	Examples reported by companies
Recruitment—the process of attracting a supply of qualified, diverse applicants for employment including through internships and relationships with multi-cultural organizations and colleges serving historically underrepresented groups.	<ul style="list-style-type: none"> A film company and a broadcasting company reported using computerized tools to ensure their job descriptions are written in a way that will appeal to and attract persons of all backgrounds before publicly posting them. A publishing company reported it tracked its hiring using a talent acquisition dashboard that showed the demographic characteristics of its candidate pool.
Employee involvement—the contribution of employees in driving diversity throughout an organization.	<ul style="list-style-type: none"> A broadcasting company reported establishing a diversity and inclusion working group composed of employees from across the company to provide input on the company’s diversity efforts. A film company reported supporting numerous employee resource groups that are employee-led and formed around shared identity, interests, and pursuits. These groups offered mentoring, networking opportunities, leadership enhancement, and promote cross-cultural business innovation.
Diversity training—organizational efforts to inform and educate management and staff about diversity.	<ul style="list-style-type: none"> A broadcasting company reported providing courses and workshops for all employees, covering topics that include building a more equitable workforce, unconscious bias, and micro-aggressions.^a A film company reported offering group coaching sessions in which the company’s inclusion team guides product leaders through a self-assessment of their long-standing hiring practices and how they can revise them to bring in people from different backgrounds.

Source: GAO review of company reports and other information posted publicly on media company websites. | GAO-22-104669

Note: We categorized into two groups the efforts selected media companies reported undertaking to increase workforce diversity: (1) leading diversity management practices identified in prior GAO work, and (2) other initiatives to address barriers to workforce diversity. GAO’s leading diversity management practices are from [GAO-05-90](#). We did not include one of GAO’s leading practices—including diversity as part of an organization’s strategic plan—in this table because we did not find strategic plans posted publicly on the company websites we reviewed. We did not assess the implementation or effectiveness of the efforts reported by the companies.

^aMicro-aggressions refer to subtle but offensive comments or actions directed at a member of a marginalized group that express a prejudiced attitude towards that group.

Examples of Other Steps Media Companies Reported Taking to Increase Diversity

We also identified—based on our reviews of company documents and interviews with media industry representatives—examples of other efforts selected media companies reported taking to increase diversity. These include various education, training, and entry-level employment programs.⁵¹ Examples of these additional initiatives include the following:

- Targeted development programs, including incubators and apprenticeships—programs that offer members of underrepresented groups support for advancing in a profession or trade that could include entry-level employment, job training for advancement, mentoring, networking, or financial support for individual projects. For example, one company stated it partners with a Hispanic media organization to jointly operate an incubator program targeted at

⁵¹We did not determine if these measures have been shown to be effective in improving workforce diversity.

developing promising Hispanic producers. It places mid-level professionals into a semester-long training program to become executive producers. The participants partner with a current executive producer who acts as a guide and mentor. Another example includes a film studio that reported it has an incubator program to support Hispanic screenwriters. Participants in the half-year-long program receive financial support and feedback from other professionals in the industry. By the end of the program, they will have finished a pilot script.

- Education and training—programs to assist individuals from underrepresented groups in gaining the education and skills needed for employment in the media industry. For example, one filmmaking program that reported it receives financial support from some of the film and broadcasting companies we reviewed offers individuals from underrepresented groups both an introductory education program for high school students and early-career support for alumni and young professionals.
- Partnerships—companies partner with multicultural advocacy organizations for underrepresented groups to assist in developing talent, or to provide education and training to individuals from these groups. For example, one film company reported partnering with a film festival to provide financial and other assistance to Hispanic filmmakers to create short films that are subsequently shown at the festival.
- Dedicated funding—funds allocated to support content created by underrepresented groups. For example, one broadcast company stated it committed to providing a percentage of its script development budget to creators, writers, and producers from underrepresented groups, including Hispanics.
- Mechanisms to assess pay equity—a process companies use to assess whether disparities exist in pay or benefits based on race, ethnicity, and gender. For example, one publishing company reported that it conducted an analysis to determine if any employees were paid outside of predicted pay ranges. It found about 2 percent of employees overall were paid below the predicted ranges and that a somewhat higher percentage of Hispanics were paid below the predicted ranges. The company conducted further analyses to explain the reasons for the differences and make any appropriate pay adjustments.

Federal Agencies Use Several Tools to Enforce EEO Requirements and Promote Diversity in the Media Industry, but Gaps in Federal Data Hinder Enforcement

Federal Agencies Use Investigations, Compliance Evaluations, and Audits to Enforce EEO Requirements

Over the last decade, federal agencies have used various tools, such as investigations of charges of discrimination, compliance evaluations, and random audits to enforce equal employment opportunity (EEO) requirements in the media industry. Enforcement of EEO requirements includes overseeing media companies, including those that serve as federal contractors, as well as broadcasters, cable television, and satellite television operators subject to additional EEO requirements from FCC.

Investigations of Discrimination Charges

We identified 24 discrimination charges based on Hispanic national origin involving media companies that were resolved by EEOC and state/local fair employment practices agencies (FEPA) in fiscal years 2020-2021, according to our analysis of EEOC's enforcement data.⁵² According to EEOC officials, the 24 charges may be an undercount of such cases, because industry codes were not entered into EEOC's database in all cases, and because five of the state/local FEPAs did not use EEOC's database for charge processing.⁵³ EEOC and FEPAs did not issue

⁵²FEPAs are state or local agencies that enforce their own state or local laws prohibiting discrimination. EEOC maintains agreements with approximately 90 FEPAs nationwide to provide individuals with an efficient procedure for obtaining redress for allegations of employment discrimination. The EEOC enforcement data we reviewed for this report includes charges filed with the EEOC, and charges filed with a FEPA that were dual filed with the EEOC, where a NAICS industry code was entered into the database.

⁵³We could not identify charges involving media companies from prior years because industry code information was not always included in EEOC's charge data prior to fiscal year 2020. EEOC added industry code information more consistently beginning in fiscal year 2020 in response to a recommendation we made in 2017. See GAO, *Diversity in the Technology Sector: Federal Agencies Could Improve Oversight of Equal Employment Opportunity Requirements*, [GAO-18-69](#) (Washington, D.C.: Nov. 16, 2017).

findings of discrimination on any of the 24 charges, but five were resolved for monetary benefits through agreements between the individuals and their employers before EEOC completed its investigation, according to EEOC officials. The individuals in these five cases alleged discrimination related to wages, discharge, or discipline, among other issues. EEOC also filed 11 lawsuits against media companies from fiscal years 2010-2020, but none of these cases alleged discrimination based on Hispanic national origin, according to EEOC officials.

Compliance Evaluations

OFCCP annually conducts routine compliance evaluations of selected federal contractors to determine if they maintain nondiscriminatory hiring and employment practices.⁵⁴ Our analysis of OFCCP's enforcement data shows that from fiscal years 2010-2021, OFCCP conducted 712 compliance evaluations of media companies and found no violations in about 85 percent of the evaluations.⁵⁵ In 2 percent—or 17—of the evaluations, OFCCP found discrimination violations related to issues such as salary, hiring, and termination (see fig. 6.).⁵⁶ The remaining 13 percent had other violations, such as inadequate recruitment efforts, failure to comply with recordkeeping requirements, and failure to maintain a written affirmative action program (AAP).⁵⁷

Of the OFCCP compliance evaluations of media companies in fiscal years 2010-2021, one resulted in discrimination violations affecting Hispanic workers. This compliance evaluation was closed in fiscal year 2021 and resulted in remedies of \$97,435 in total for 17 Hispanic workers. The company also agreed to take additional actions to resolve this case, such as providing pay equity training for individuals involved in compensation decisions and conducting a compensation analysis as part of its AAP.

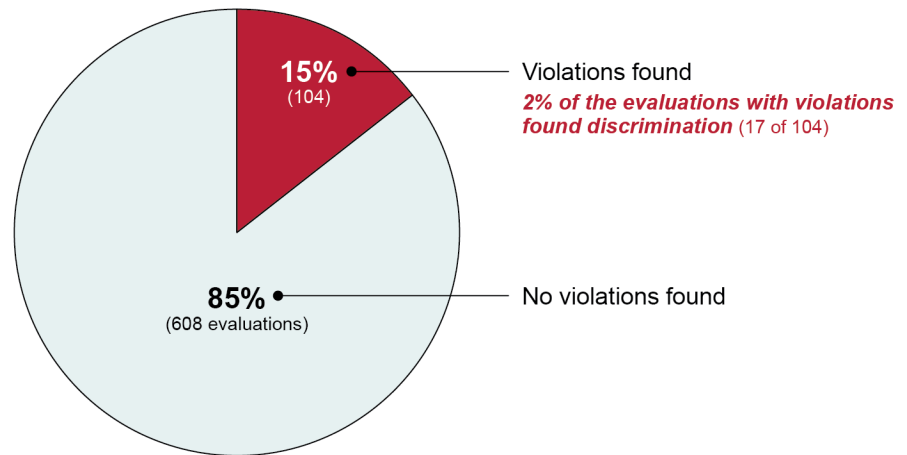
⁵⁴See 41 C.F.R. § 60-1.20.

⁵⁵In addition to the compliance evaluations it conducted, OFCCP reported investigating 22 complaints against media companies from fiscal years 2010 through 2021, but none of these cases alleged discrimination based on Hispanic national origin.

⁵⁶These discrimination violations include all bases of discrimination, such as race, color, national origin, sex, and disability.

⁵⁷Among other things, an AAP includes a quantitative analysis that compares the gender, racial, and ethnic makeup of a contractor's workforce to the available labor pool, and actions to address employment disparities.

Figure 6: Findings from 712 Federal Contractor Compliance Evaluations of Media Companies Conducted by OFCCP, Fiscal Years 2010-2021



Source: GAO analysis of Office of Federal Contract Compliance Programs data. | GAO-22-104669

Note: Examples of other violations included inadequate recruitment efforts, failure to comply with recordkeeping requirements, and failure to maintain a written affirmative action program (AAP). The discrimination violations included all bases of discrimination, such as race, color, national origin, sex, and disability.

Random Audits and Periodic Reviews

FCC reviews compliance with its EEO rules by auditing a randomly selected sample of broadcasters and cable/satellite television operators each year. In 2020, FCC audited 4 percent of its licensed broadcast stations (821 out of 19,541 stations). FCC also audited 5 percent of its registered cable/satellite television operators (38 out of 710 operators).

In addition to the random audits, FCC reviews periodic report filings from broadcasters and cable/satellite television operators. FCC also reviews broadcasters' compliance with EEO rules at the mid-term during the license period and at the time of a broadcaster's license renewal. If FCC finds that a company has not met its responsibilities, FCC may admonish the company or impose a monetary penalty. If FCC finds a serious violation or pattern of abuse, it may designate for hearing the station's application for renewal of its license and, based on the outcome of the

hearing, may issue an order denying renewal, in which case the company may no longer operate.⁵⁸

From 2010-2021, FCC took enforcement actions against 14 media companies to address noncompliance with their EEO rules, according to our review of public records and interviews with FCC officials. FCC found 12 of the companies were willfully and repeatedly violating FCC's EEO rules and proposed financial penalties ranging from \$5,000 to \$20,000. Examples of violations include failure to comply with FCC's EEO recruitment, reporting, and recordkeeping requirements.⁵⁹ According to FCC officials, the agency does not track whether the violations affected particular racial or ethnic groups, such as Hispanics.

Federal Agencies Share Best Practices and Support Various Programs to Promote Workforce Diversity in the Media Industry

In addition to their enforcement efforts, EEOC, OFCCP, and FCC encourage diversity in the media by sharing best practices and supporting programs designed to address employment barriers. Examples of these efforts include the following:

- **Compliance assistance materials and training.** EEOC and OFCCP have issued best practice documents on specific topics—such as recruitment, hiring, and promotions—to help employers meet their equal employment opportunity obligations. For example, EEOC has published best practices for employers and human resources professionals on how to prevent discrimination based on a person's race or color.⁶⁰ EEOC also operates a Training Institute that provides free and fee-based training and technical assistance to help employers understand, prevent, and correct discrimination in the workplace. Additionally, OFCCP posts information on best practices

⁵⁸47 U.S.C. §§ 309(e), 309(k)(3). Under 47 C.F.R. § 73.2080(g), FCC “may issue appropriate sanctions and remedies for any violation” of its rule on equal employment opportunity. FCC’s enforcement guidance uses the term “admonishment” to mean “an enforcement sanction that makes findings of facts and conclusions of law” but does not impose a monetary penalty or other concrete sanctions. FCC could also approve a short-term license renewal or approve the license with reporting conditions, according to FCC officials.

⁵⁹Specifically, according to FCC, the violations included failure to widely disseminate information about job vacancies, failure to notify recruitment sources entitled to job vacancy information, as well as failure to assess the licensee’s recruitment efforts, among other things.

⁶⁰EEOC, “Best Practices for Employers and Human Resources/EEO Professionals,” <https://www.eeoc.gov/initiatives/e-race/best-practices-employers-and-human-resources/eeo-professionals>, accessed Jan. 18, 2022.

for creating a diverse workforce and ensuring equal opportunity in promotions.⁶¹

- **Federal advisory committee on diversity.** FCC established a federal advisory committee focused on diversity that makes recommendations to FCC on issues such as how to accelerate the entry of small businesses, including those owned by women and individuals from historically disadvantaged racial or ethnic groups, into the media industry. In 2019, the committee held a symposium, where panelists shared success stories in radio, television, and news media, as well as the roles of lenders, investors, mentors, nonprofits, and mergers and acquisitions in advancing media ownership by women and individuals from historically disadvantaged racial or ethnic groups. FCC subsequently issued a public report summarizing the event.⁶²
- **Federally registered apprenticeship programs.** DOL has approved nine apprenticeship programs in the media industry as federally registered apprenticeship programs. DOL approval can help these programs access federal funds to support their efforts. The approved programs provide paid apprenticeships for individuals, including Hispanics and individuals from other racial and ethnic groups, seeking to become electricians, directors, producers, writers, and camera operators, among others.
- **Radio incubator program.** FCC implemented an incubator program for radio broadcasters, which is intended to help new and diverse entrants into station ownership, including women and individuals from historically disadvantaged racial or ethnic groups, in overcoming the key barriers to entry into broadcasting: a lack of access to capital and the need for technical and operational experience. Under the program, an established broadcaster would provide a new entrant or small broadcaster with the training, financing, and access to resources that would be otherwise inaccessible to these individuals. At the end of the incubation relationship, the new entrant or small broadcaster would either own a broadcast station or retain ownership of a previously struggling station. In return for its support, the

⁶¹Department of Labor, Office of Federal Contract Compliance Programs, “Best Practice and Resources,” <https://www.dol.gov/agencies/ofccp/compliance-assistance/outreach/resources>, accessed Jan. 18, 2022.

⁶²FCC Broadcast Diversity and Development Working Group of the Advisory Committee on Diversity and Digital Empowerment, *Exploring Strategies That Have Advanced Media Diversity* (Washington, D.C.: June 2019).

established broadcaster would receive a temporary waiver of radio ownership limits, which would allow them to acquire an additional station in the market.⁶³

- **Hiring Initiative to Reimagine Equity (HIRE).** In 2022, EEOC and OFCCP launched HIRE, a multi-year collaborative effort to engage stakeholders and identify strategies to remove unnecessary barriers to hiring, and to promote effective hiring and recruitment practices to cultivate a diverse pool of qualified workers. This collaborative effort will also develop resources to promote adoption of innovative and evidence-based recruiting and hiring practices that advance equity. Though not specifically geared toward the media industry, this joint initiative plans on focusing some of its efforts on promoting equity in the use of technology-based hiring systems.

FCC and EEOC Lack Data That Could Assist with Their Enforcement of Anti-Discrimination and Equal Employment Opportunity Rules

Federal Data Sharing

EEOC and FCC share a common goal to eliminate discriminatory employment policies and practices at broadcasting stations and cable/satellite television operators. However, FCC and EEOC no longer have an agreement in place to enable EEOC to share enforcement data, which could inform FCC licensing decisions. FCC relies on companies to self-report any pending or resolved discrimination complaints during the license renewal process and when a company is selected for an EEO audit.

FCC's reliance on company self-reporting was not always the case. Until November 2020, EEOC and FCC had a memorandum of understanding (MOU) to facilitate data sharing, among other things. Under this MOU, EEOC was to provide FCC quarterly reports to keep FCC informed of all charges of discrimination filed against broadcasters and cable/satellite television operators. The MOU also discussed various administrative actions that FCC could take based on EEOC's determination on a

⁶³The FCC sets limits on the number of radio and television broadcast stations an entity can own. See 47 C.F.R. § 73.3555.

discrimination charge or complaint, such as approving the license renewal, but requiring the company to take specific actions. However, officials from both agencies told us that very little activity had occurred under the MOU in the past several years.⁶⁴

Officials from both agencies told us they were not sure why so little had been done to share and use these enforcement data. This limited activity may have been due in part to a data limitation in EEOC's enforcement data, which has since been addressed. In prior work, we recommended the agency add missing industry code data to its database, and EEOC has since addressed this issue in response to our recommendation.⁶⁵ Prior to fiscal year 2020, it was difficult to readily identify discrimination charges filed against companies in specific industries, because EEOC did not consistently populate industry code information in its database. According to EEOC officials, EEOC made the industry code a mandatory field in its new enforcement database, which launched in January 2022.

Sharing such enforcement data with FCC would be consistent with recent efforts to promote these arrangements among federal agencies. Specifically, as part of the 2019 Federal Data Strategy, OMB encouraged federal agencies to coordinate and share federal data across federal agencies to advance progress on shared and similar objectives, fulfill broader federal information needs, and reduce collection burden.⁶⁶ Further, the Data Sharing Working Group of the federal Chief Data Officer Council issued a report in 2022 encouraging streamlined data sharing and increased coordination among federal agencies.⁶⁷ This report also

⁶⁴Memorandum of Understanding between the Federal Communications Commission and the Equal Employment Opportunity Commission, 51 Fed. Reg. 21,798 (June 16, 1986). EEOC terminated the MOU in November 2020. For the purposes of this report, we use the terms "charge" and "complaint" interchangeably.

⁶⁵[GAO-18-69](#).

⁶⁶As part of the 2019 President's Management Agenda, OMB issued the Federal Data Strategy to federal agencies in 2019, which contained operating principles and best practices on how the federal government can leverage the use of data to deliver on its mission to better serve the public. Office of Management and Budget, *Memorandum for the Heads of the Executive Departments and Agencies: Federal Data Strategy – A Framework for Consistency*, M-19-18 (Washington, D.C.: June 2019). For more information, see: <https://strategy.data.gov/>.

⁶⁷The Chief Data Officer Council was established by the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435, § 202(f), 132 Stat. 5529, 5542, codified at 44 U.S.C. § 3520A).

provides information on successful federal data sharing efforts based on a literature review and case studies.

Now that EEOC has added industry codes more consistently to its enforcement database, information on discrimination charges or related EEOC findings involving broadcasters, cable, or satellite television companies is readily available. Such data sharing could help FCC quickly determine whether EEOC had found that a company seeking a license had violated anti-discrimination or EEO laws, which FCC may consider as part of its licensing process. FCC officials told us that having such enforcement information from EEOC would be helpful so they would not have to rely solely on companies to self-report. FCC officials said they have begun internal discussions about which EEOC enforcement data would be most useful to them and the timing of when they would like to receive the information. However, EEOC and FCC have not developed a plan to share and use these data.

Federal Collection of Data on Union Member Demographics

EEOC's approach to data collection does not allow the agency to determine whether certain unions are complying with reporting requirements designed to collect demographic information on union membership. As we previously mentioned, unions play an important role in helping some media workers obtain employment, according to some stakeholders we interviewed. Like employers, unions that operate a hiring hall or have at least 15 members are prohibited from discriminating against individuals under Title VII of the Civil Rights Act of 1964, as amended.⁶⁸ For example, it is unlawful for a covered labor union to exclude from its membership or refuse to refer a member for employment because of the individual's race, color, religion, sex, or national origin.

Certain unions with 100 or more members are required to submit a Local Union Report (EEO-3) to EEOC on a biennial basis, which includes demographic data on members, applicants for membership, individuals the union referred to jobs, and applicants for job referrals by sex and

⁶⁸42 U.S.C. §§ 2000e(e), 2000e-2(c). A labor union covered by Title VII is prohibited from discriminating in its capacity as an employer, as a bargaining representative for its members, or as a referral agency or hiring hall.

race/ethnicity.⁶⁹ EEOC uses the EEO-3 data for a variety of purposes, including enforcement. Unions are also required to separately submit annual financial reports to DOL, which include information on the number of union members.⁷⁰

However, EEOC's approach to obtaining demographic information about union membership through its EEO-3 reporting process has limitations. These limitations make it difficult to determine if unions are complying with the reporting requirements and may result in less information available to EEOC as it carries out its enforcement activities. EEOC officials told us they identify the unions that need to file the EEO-3 report based upon the prior reporting year's list, which includes any updates for the new reporting year. These updates would include adding any new filers EEOC is made aware of and removing any filers who notify EEOC that they are no longer eligible. For the 2020 EEO-3 data collection, about 74 percent of unions on EEOC's list completed the report, according to EEOC officials.⁷¹

While EEOC's approach results in the majority of unions on EEOC's list completing the report, it fails to ensure that EEOC identifies other unions that should be reporting, but have not filed reports. EEOC officials told us they have worked with DOL in the past to update their list of unions by comparing their list to DOL's publicly available union data. However, they have not gone through this process in recent years and did not know when the list was last comprehensively updated. Moreover, in reviewing

⁶⁹29 C.F.R. § 1602.22. See appendix IV for details on the eligibility requirements for filing an EEO-3 report. According to EEOC, the EEO-3 report requires only local referral unions to submit demographic data. If a union claims that the preparation or filing of the report would create an undue hardship, the local union may apply to EEOC for an exemption. 29 C.F.R. § 1602.25. EEOC officials said that for the 2020 EEO-3 reporting year, they had one request for an exemption, but the union was not a media or entertainment union. According to EEOC officials, a union is also required to file an EEO-1 as an employer if it reaches the filing threshold based on its number of employees.

⁷⁰Under the Labor-Management Reporting and Disclosure Act, as amended, unions must submit annual financial reports as well as their constitutions and bylaws to DOL. 29 U.S.C. § 431. These reports include information on the number of members by each local union and the information is made publicly available by DOL on this website: <https://olmsapps.dol.gov/olpdr/>.

⁷¹EEOC does not have the authority under Title VII of the Civil Rights Act of 1964 to issue fines if a union or employer fails to submit a report to EEOC, according to EEOC officials. EEOC may go to a United States district court to compel someone to file a report; however, this type of action is not commonly taken outside of a lawsuit alleging other violations, according to EEOC officials. See 42 U.S.C. § 2000e-8(c).

EEO-3 data on the unions that filed 2020 EEO-3 reports, we found that 17 local unions from three large media and entertainment unions filed reports, though these unions have over 400 local unions, according to information on their websites. However, EEOC's available EEO-3 data did not allow us to determine the extent to which the remaining local unions are required to report, if at all. Similarly, EEOC officials told us that they did not have independent knowledge of whether these local unions would be required to file EEO-3 reports.

According to federal internal control standards, management should perform ongoing monitoring of the operating effectiveness of its programs as part of the normal course of operations, such as through regular supervisory activities, comparisons, reconciliations, and other routine actions.⁷² Federal internal control standards also call for management to use quality information to achieve the entity's objectives. In this case, EEOC may lack complete information about the demographics of union membership when investigating charges of discrimination.

Improving its approach for updating the list of EEO-3 filers could help EEOC identify local unions in the media industry that may not have been on EEOC's list and may not be complying with their regulations. EEOC could update the list, for example, by routinely comparing its most recent EEO-3 filers to publicly available DOL union data. EEOC officials told us that they have been in contact with DOL's Office of Labor-Management Standards and are exploring opportunities to leverage any existing DOL data to update EEOC's list of unions, as part of the agency's efforts to modernize EEO data collections and improve the quality of data from filers.⁷³ However, they have not yet finalized their approach to routinely updating their list of unions. Enhancing EEOC's ability to identify unions required to report would also provide the agency more complete information to consider when responding to discrimination charges filed against unions.

Conclusions

The media industry is uniquely positioned to inform and educate the public, and the content it produces can influence the way people view themselves, others, and the world around them. Given the important role

⁷²GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

⁷³As previously stated, the EEO-3 report only requires local referral unions to submit demographic data. According to EEOC officials, DOL's union data does not have a "referral union" identifier, but there is a method to identify likely referral unions.

the media plays in American life, the representation in its workforce of historically disadvantaged racial or ethnic groups, including Hispanics, may have implications that extend beyond the workplace.

EEOC and FCC share responsibility to protect workers in the media industry from employment discrimination. While these agencies have taken EEO enforcement actions in the media industry, data limitations hinder FCC's enforcement efforts. Currently, EEOC and FCC do not have an agreement in place to share information about discrimination charges filed with EEOC against the companies FCC oversees. As a result, FCC may miss information that it could use to direct companies to address potential EEO issues as part of its licensing process.

In addition, EEOC's approach may not allow it to identify all of the unions that should file an EEO-3 report. These reports contain demographic information on union members that EEOC uses for its enforcement efforts. Having complete information is important, because stakeholders we interviewed said that difficulty obtaining union membership can make it challenging for Hispanics and individuals from other historically disadvantaged racial or ethnic groups to get work in the industry. Because EEOC has a potentially outdated and incomplete list of unions that should report on union member demographics, it is difficult for the agency to determine if media unions are complying with the reporting requirements. By improving EEOC's approach to identifying eligible unions, such as by comparing its list to the list of unions filing reports with DOL, EEOC will likely collect more complete data, which it can use in its investigations of discrimination charges filed against unions.

Recommendations for Executive Action

We are making three recommendations.

The Chair of EEOC should work with FCC to develop a new memorandum of understanding that includes a plan for EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and cable and satellite television operators.
(Recommendation 1)

The Chair of FCC should work with EEOC to develop a new memorandum of understanding that includes a plan for EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and cable and satellite television operators.
(Recommendation 2)

The Chair of EEOC should improve EEOC's approach to routinely identify local unions required to file an EEO-3 report to help ensure that they file such reports on the demographics of union members. (Recommendation 3)

Agency Comments

We provided a draft of this report to DOL, EEOC, FCC, and the Department of Commerce, which includes the Census Bureau, for review and comment. We received written comments from EEOC and FCC that are reprinted in appendixes V and VI, respectively. Additionally, all four agencies provided technical comments, which we incorporated as appropriate.

In its written comments, EEOC neither agreed nor disagreed with our recommendations, but agreed that federal data sharing can help agencies address employment discrimination and that data quality is critical to enforcing the nation's equal employment opportunity laws. EEOC also described some of their current and planned efforts to address our recommendations.

In its written comments, FCC agreed with our data sharing recommendation and described their initial efforts to work collaboratively with EEOC to respond to our recommendation.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 6 days from the report date. At that time, we will send copies to the appropriate congressional committees and the Chair of EEOC, Chairwoman of the FCC, Secretary of Commerce, Secretary of Labor, and other interested parties. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at 202-512-7215 or locked@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VII.



Dawn G. Locke, Acting Director
Education, Workforce, and Income Security Issues

List of Requesters

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives

The Honorable Tony Cárdenas
House of Representatives

The Honorable Joaquin Castro
House of Representatives

The Honorable Jimmy Gomez
House of Representatives

The Honorable Juan Vargas
House of Representatives

The Honorable Nydia M. Velázquez
House of Representatives

Appendix I: Objectives, Scope, and Methodology

Our objectives were to examine (1) representation of Hispanics in the media industry over the last decade and challenges stakeholders identified that may contribute to the level of Hispanic representation, (2) the steps selected large media companies publicly reported taking to increase workforce diversity, and (3) how key federal agencies enforced federal equal opportunity requirements and promoted diversity in the media industry.

Objective 1

Data Analysis

To describe the trend in the representation of Hispanic workers in the media industry over the last decade, we analyzed the U.S. Census Bureau's American Community Survey (ACS) 1-year Public Use Microdata Sample (PUMS) data from 2010 through 2019.¹ To provide information on the characteristics of workers in the media industry and other industries, we used the 2015-2019 ACS 5-Year PUMS data, which combines the ACS survey for 5 years and presents the average estimates during those years. We also used the most recent 5 years of data from the U.S. Equal Employment Opportunity Commission (EEOC) Employer Information Reports (EEO-1) (2014-2018).²

To assess the precision of our ACS estimates, we calculated a relative standard error for each estimate by dividing the standard error of the estimate by the estimate itself, and multiplied by 100 to calculate the percentage. For example, if Hispanics are an estimated 10 percent among all workers who hold media occupations in the media industry, and the standard error is 0.3 percent, the relative standard error would be 0.3 divided by 10 and multiplied by 100, which would be 3 percent. Estimates with small relative standard errors are considered more reliable than estimates with large relative standard errors. A small relative

¹The U.S. Census Bureau's American Community Survey (ACS) is a nationwide survey that annually collects and produces information on social, economic, housing, and demographic characteristics of the nation's population. The ACS Public Use Microdata Sample (PUMS) files are a set of records from individual people or housing units, with disclosure protection enabled so that individuals or housing units cannot be identified. The Census Bureau produces ACS 1-year and 5-year PUMS files. The Census Bureau did not release its standard 2020 ACS 1-year PUMS data because of the impacts of COVID-19 pandemic. For our analysis of ACS data, we included individuals identified as civilian employed and excluded individuals in the Armed Forces and those identified as unemployed or not in the labor force.

²Collection of EEO-1 data for 2019 and 2020 was delayed due to the COVID-19 pandemic. We reviewed the EEO-1 Component 1 workforce demographic data and did not review EEO-1 Component 2 data.

standard error shows a measurement is more precise. Unless otherwise noted, estimates included in this report have relative standard errors of 30 percent or less.

We assessed the reliability of the data by (1) reviewing relevant Census Bureau and EEOC documentation, (2) collecting information from officials knowledgeable about the data, and (3) conducting electronic testing of the data. We determined that the data were sufficiently reliable for the purposes of reporting on the representation of Hispanic workers in the media industry.

We present occupation data in two different ways. First, we present the estimated percentage of Hispanics in specific media occupations using 2015-2019 ACS 5-year PUMS data, which presents the average percentage over that 5-year period (see table 2 for the list of media occupations).³

Table 2: 2019 U.S. Census Bureau’s Occupation Codes for GAO Selected Media Occupations

Media occupation	Census occupation code
Artists and Related Workers	2600
Graphic Designers	2634
Other Designers	2640
Producers and Directors	2710
Music Directors and Composers	2751
Broadcast Announcers and Radio Disc Jockeys	2805
News Analysts, Reporters, and Journalists	2810
Editors	2830
Writers and Authors	2850
Other Media and Communication Equipment Workers	2905
Photographers	2910
Television, Video, and Film Camera Operators and Editors	2920
Actors	2700

Source: GAO analysis of American Community Survey data documentation from the U.S. Census Bureau. | GAO-22-104669

³We used the same definition of media occupations as in our 2021 report, which included those that comprised at least 0.5 percent of the occupations held by workers in the media industry based on 2019 ACS data. This covers about 28 percent of the workforce in the media industry using Census occupation codes. See [GAO-21-105322](#).

Appendix I: Objectives, Scope, and Methodology

Second, we present the percentage of Hispanics in 10 job categories used in the EEO-1 report, which are broader categories that cover media and non-media occupations from entry-level to management-level positions (see table 3).

Table 3: EEO-1 Job Categories

Job category	Summary description
Senior and Executive Management	Individuals who plan, direct and formulate policies, set strategy, and provide the overall direction of enterprises/organizations. Includes chief executive officers (CEO) and those individuals within two reporting levels of the CEO.
First and Mid-level Management	Individuals who serve as managers, other than those who serve in Senior and Executive Management.
Professionals	Most jobs in this category require bachelor and graduate degrees, and/or professional certification. Examples of media occupations in this category include actors, producers, directors, broadcast announcers, writers, reporters, editors, and camera operators.
Technicians	Jobs in this category include activities that require applied scientific skills, usually obtained by post-secondary education/training of varying lengths, depending on the particular occupation. Examples of media occupations in this category include broadcast and sound engineering technicians.
Sales Workers	These jobs include non-managerial activities that primarily involve direct sales, such as advertising sales agents.
Administrative Support Workers	These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings.
Craft Workers	Jobs in this category include higher skilled occupations, such as carpenters and electricians.
Operatives	Most jobs in this category include intermediate skilled occupations and include workers who operate machines or equipment, such as printing press operators and truck drivers.
Laborers	Jobs in this category include workers with more limited skills who require only brief training to perform tasks. Examples include landscaping workers and construction laborers.
Service Workers	Jobs in this category include food service, cleaning service, personal service, and protective service activities.

Source: GAO analysis of U.S. Equal Employment Opportunity Commission (EEOC), Employer Information Report (EEO-1) documentation. | GAO-22-104669

We did not present data on representation of Hispanics in the workforce of Spanish-language media outlets separately from all media companies in our analysis because there were no variables in the ACS and EEOC data that indicate whether the employer is a Spanish-language media company. Spanish-language television companies employed a higher percentage of Hispanics, according to one national survey of local television newsrooms. Respondents from television newsrooms suggest staff at Spanish-language television stations were about 90 percent Hispanic in 2020 compared to 7 percent of staff at non-Hispanic television

stations.⁴ We believe our findings are representative of the media industry more broadly because we scoped our work to look at the media industry overall. We cannot determine what effects, if any, it would have on our results had we been able to disaggregate the data by whether a respondent's employer was a non-English-language media company.

Race and Ethnicity Categories Used in Data Analysis

For the race and ethnicity categories using ACS data in this report, we included only non-Hispanics for the White, Black, Asian, and Other categories. The Hispanic category incorporated Hispanics of all races. We created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races because these groups made up a small percentage of workers.

For the EEO-1 data presented in this report, we used the seven race/ethnicity categories from this report, which include the following:

- Hispanic or Latino
- White (Not Hispanic or Latino)
- Black or African American (Not Hispanic or Latino)
- Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)
- Asian (Not Hispanic or Latino)
- American Indian or Alaska Native (Not Hispanic or Latino)
- Two or More Races (Not Hispanic or Latino)

In our reporting of the EEO-1 data, we created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, and Two or More Races. We created this category because these groups made up a small percentage of workers reported by employers.

Stakeholder Interviews

We also conducted semi-structured interviews with a range of stakeholders to obtain their views on challenges Hispanics may face in obtaining employment in the media industry. We selected 15 stakeholders

⁴Findings from this survey are non-generalizable and estimates of staff are based only on newsrooms responding to the survey. The survey includes local, non-satellite, non-network television newsrooms. News staff are defined as full-time employees reporting to the newsroom director. R. Papper, *2021 Radio Television Digital News Association (RTDNA)/Newhouse School at Syracuse University Newsroom Survey* (Syracuse, New York: 2021).

to interview that had a range of perspectives regarding Hispanic representation in the media industry, including researchers, industry, trade associations, unions, and organizations that represent Hispanic workers in the media.

To identify stakeholder groups, we considered lists of professional organizations from library resources and other sources. We also identified researchers to interview who authored reports specifically on Hispanic employment in the media industry and considered recommendations from interviewees. The views of the stakeholders we interviewed are illustrative examples and may not be generalizable. For a list of the 15 stakeholder groups we interviewed, see table 4.

Table 4: List of Stakeholders We Interviewed

Organization	Organization type
Annenberg Inclusion Initiative, University of Southern California	Academic institution
Association of American Publishers	Trade association representing publishers
Directors Guild of America	Union
International Alliance of Theatrical Stage Employees	Union
Latinx in Publishing	Media-related not-for-profit organization
Latino Public Broadcasting	Media-related not-for-profit organization
Motion Picture Association	Trade association representing film, television, and streaming industry
National Association of Latino Independent Producers	Media-related not-for-profit organization
National Association of Broadcasters	Trade association representing radio and television broadcasters
National Hispanic Foundation for the Arts	Media-related not-for-profit organization
National Association of Hispanic Journalists	Media-related not-for-profit organization
National Hispanic Media Coalition	Media-related not-for-profit organization
Screen Actors Guild - American Federation of Television and Radio Artists	Union
University of California, Los Angeles, College of Social Sciences	Academic institution
Endeavor	Talent agency

Source: GAO. | GAO-22-104669

Objective 2

To determine what steps selected large media companies report taking to increase workforce diversity, we conducted a systematic review of information reported in the companies' most recent 10-K reports, proxy statements, and other reports publicly posted on the websites of 25 large U.S. media companies.⁵ Of the 25 companies, 10 had not posted any information relevant to our review about their workforce diversity and inclusion efforts on their web pages, so our analysis summarizes examples of diversity initiatives reported by 15 companies.

We selected media companies that were among those with the largest market value in the film, television, and publishing industries, according to Bloomberg data. We also considered data on movie box office share and Nielsen ratings on the most watched television networks and streaming services. Seven of the selected companies are in publishing (including news, magazine, or book publishing) and 18 are film and television production companies.

We decided to review the aforementioned reports because we previously found that many public companies disclose information about their efforts to promote diversity and inclusion in these reports.⁶ We analyzed publicly available information to examine the public commitments large media companies have made in their workforce diversity initiatives. We conducted this review to provide illustrative examples of company-reported efforts to increase workforce diversity.

We identified the company reports by searching the companies' websites and Google using search terms like "diversity" and "inclusion." For each company we selected to review, we first identified and downloaded their 10-K reports and annual proxy statements. We then looked to see if the company's website had a page for diversity and inclusion. Once we found this page, we identified and downloaded diversity and inclusion reports and social, environmental and governance reports, if they were posted. If these reports were not posted on this page, we searched the company

⁵A 10-K report is an annual report that public companies file with the Securities and Exchange Commission (SEC) that provides a comprehensive overview of the company's business and financial condition. A proxy statement is a document that contains information for shareholders so they can make informed decisions about matters to be considered at an annual shareholder meeting. Other reports and information included annual diversity and inclusion reports; annual social, environmental, and governance reports; and any web pages devoted to workforce diversity and inclusion.

⁶GAO, *Public Companies: Disclosure of Environmental, Social, and Governance Factors and Options to Enhance Them*, [GAO-20-530](#) (Washington, D.C.: July 2, 2020).

website for them. We also downloaded any information on the web page itself that described workforce diversity and inclusion efforts or plans. We also looked to see if companies posted their EEO-1 report. If we did not see it posted on any diversity and inclusion pages, we searched for it and downloaded it, if it was posted. In some cases in which a company had only posted its 10-K and proxy statement on its website or did not have a diversity and inclusion page, we conducted a Google search for any other information about the company's diversity and inclusion efforts.

To identify steps media companies reported taking to increase workforce diversity, we used leading diversity management practices identified in prior GAO work as a framework for categorizing the information.⁷ We developed a series of decision rules for each of the leading practices GAO previously identified and applied them when reading through the documents. We also identified other types of diversity initiatives that either did not coincide with or stood out distinctly from the leading practices and developed a similar set of decision rules for those. We made any needed additions or clarifications to the decision rules when we encountered an issue we did not initially contemplate. We first identified which portions of the documents to review by searching for the terms "diversity" and "inclusion." One analyst read through the company documents to identify instances of steps taken by the companies that aligned with the leading practices or the other diversity initiatives based on the definitions we established in the decision rules. The analyst entered this information into a spreadsheet we used to identify and summarize which of the leading practices or other initiatives applied to the steps the company reported taking. A second analyst verified the entries in the spreadsheet. In cases where the two analysts differed on how to categorize a step, they negotiated an agreement based on the decision rules.

The information we collected represents what the companies were disclosing publicly during the period of our review, August, 2021 through March, 2022. If large media companies have implemented diversity management practices but have not publicly announced the practices in the information we reviewed, those initiatives are not captured in our findings. We did not assess the implementation or effectiveness of the companies' efforts. Our findings are not generalizable to other companies

⁷GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, GAO-05-90 (Washington, D.C.: Jan. 14, 2005). GAO, *Diversity Management: Trends and Practices in the Financial Services Industry and Agencies after the Recent Financial Crisis*, GAO-13-238 (Washington, D.C.: Apr. 16, 2013).

or information outside of our review. Because our review was limited to publicly available information, we did not contact the companies to follow up or confirm any information we found. We reported on examples of companies' diversity efforts to show a range of efforts companies disclosed publicly that are related to improving workforce diversity.

Objective 3

To describe federal equal employment opportunity enforcement efforts involving the media industry, we interviewed EEOC, Department of Labor (DOL), and Federal Communications Commission (FCC) officials, and reviewed agency documents, such as enforcement procedures and reports summarizing their activities. We also analyzed information on the compliance evaluations and complaint investigations of media companies conducted over the last decade and their findings, including any cases involving discrimination based on Hispanic national origin. We compared the agencies' efforts to Office of Management and Budget (OMB) guidance on data sharing and GAO's Standards for Internal Control in the Federal Government.⁸

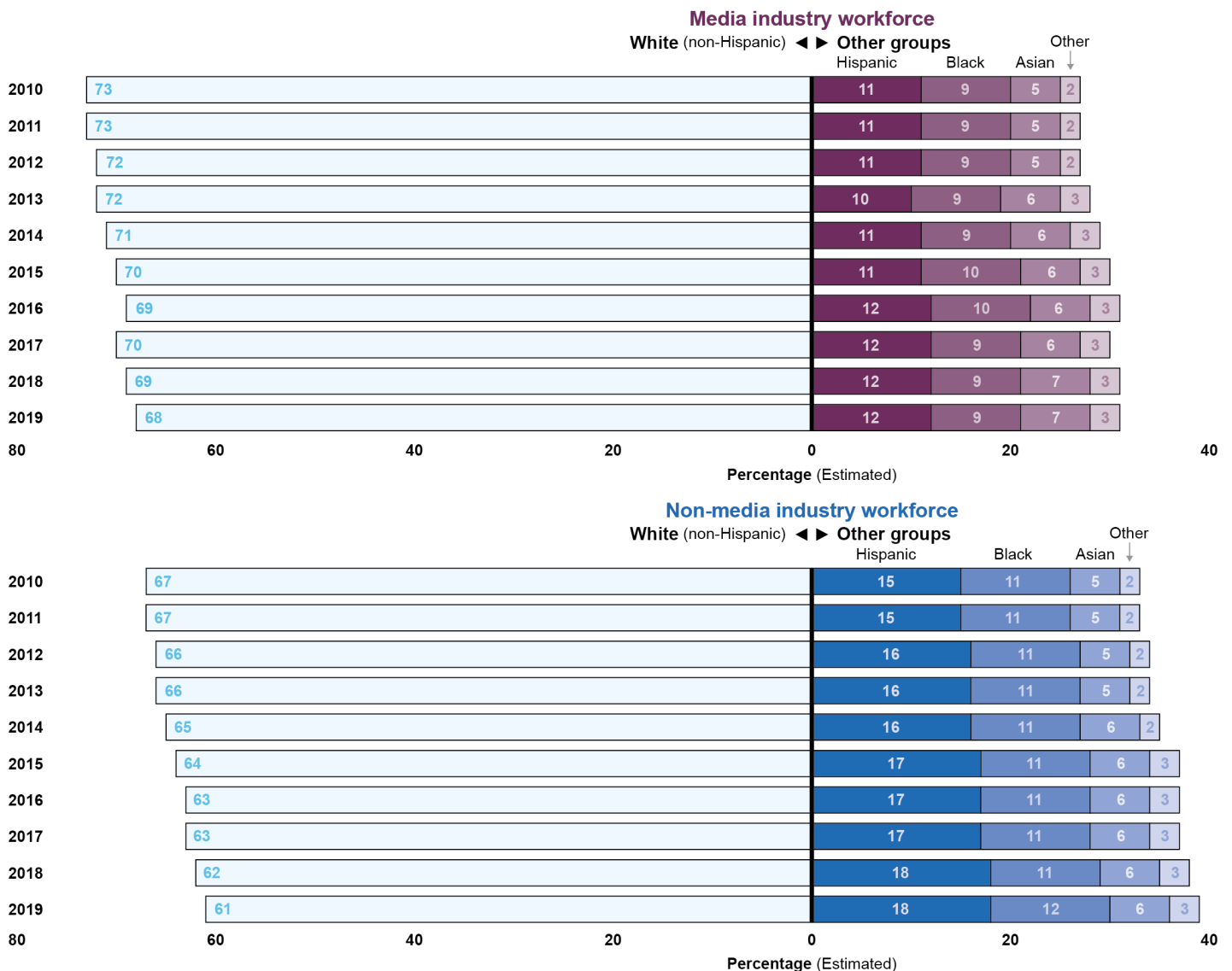
We conducted this performance audit from December 2020 to September 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

Appendix II: Additional Analysis of Workforce Diversity in the Media Industry

This appendix provides additional detailed analysis of workforce data from the U.S. Census Bureau’s American Community Survey (ACS). To provide information on the characteristics of workers in the media industry and other industries, we used the 2015-2019 ACS 5-year Public Use Microdata Sample (PUMS) data, which combine annual ACS survey results for 5 years and present the average estimates during those years.

Figure 7: Estimated Percentage of Workers in the Media Industry and Outside of the Media Industry by Race/Ethnicity, 2010 through 2019

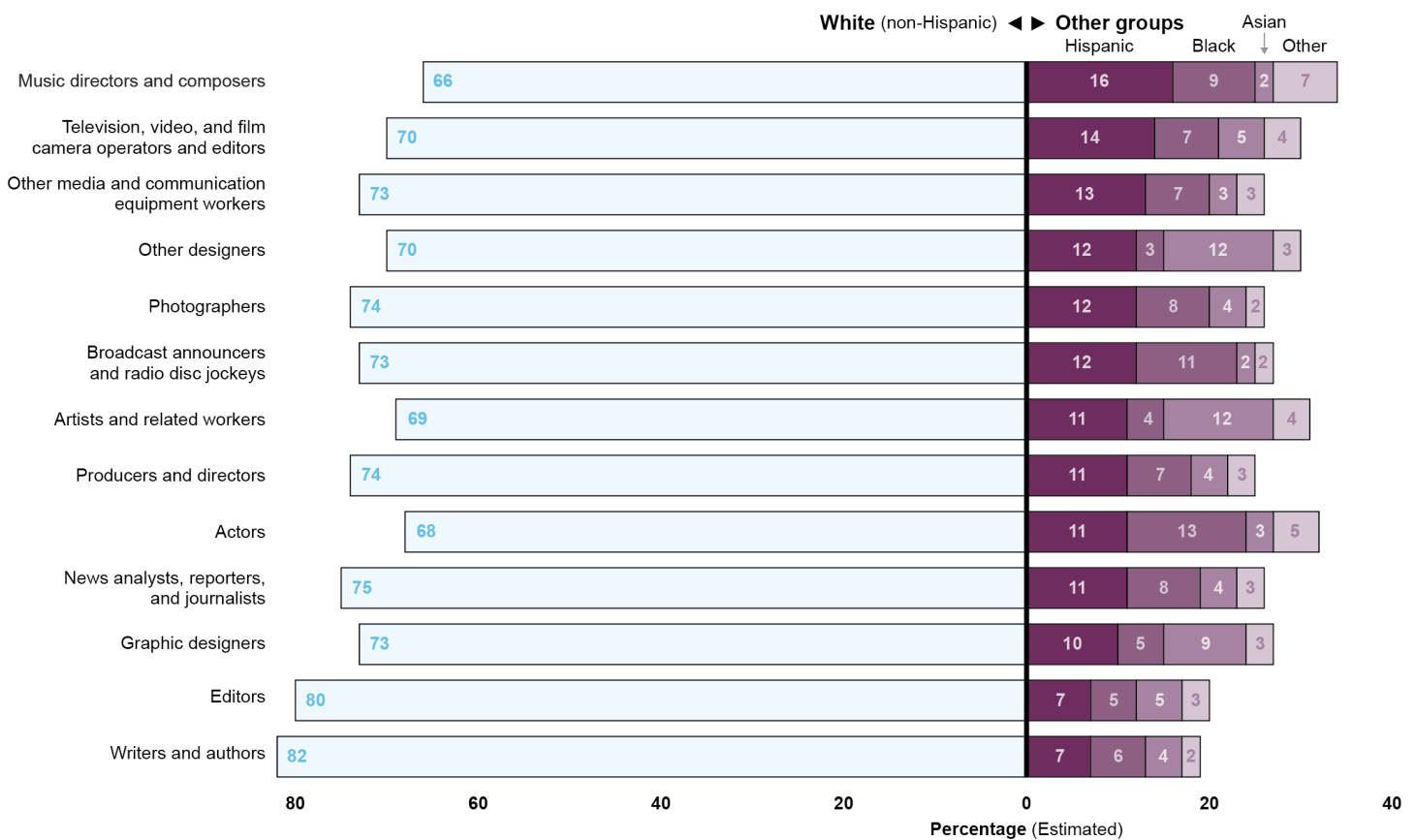


Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Appendix II: Additional Analysis of Workforce Diversity in the Media Industry

Notes: Estimates in this figure have relative standard errors of less than 7 percent. We included only non-Hispanics in the White, Black, Asian, and Other categories. We created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races, because these groups made up a small percentage of workers. Percentages may not add to 100 due to rounding.

Figure 8: Estimated Percentage of Workers in the Media Industry by Occupation and Race/Ethnicity, 2015-2019



Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

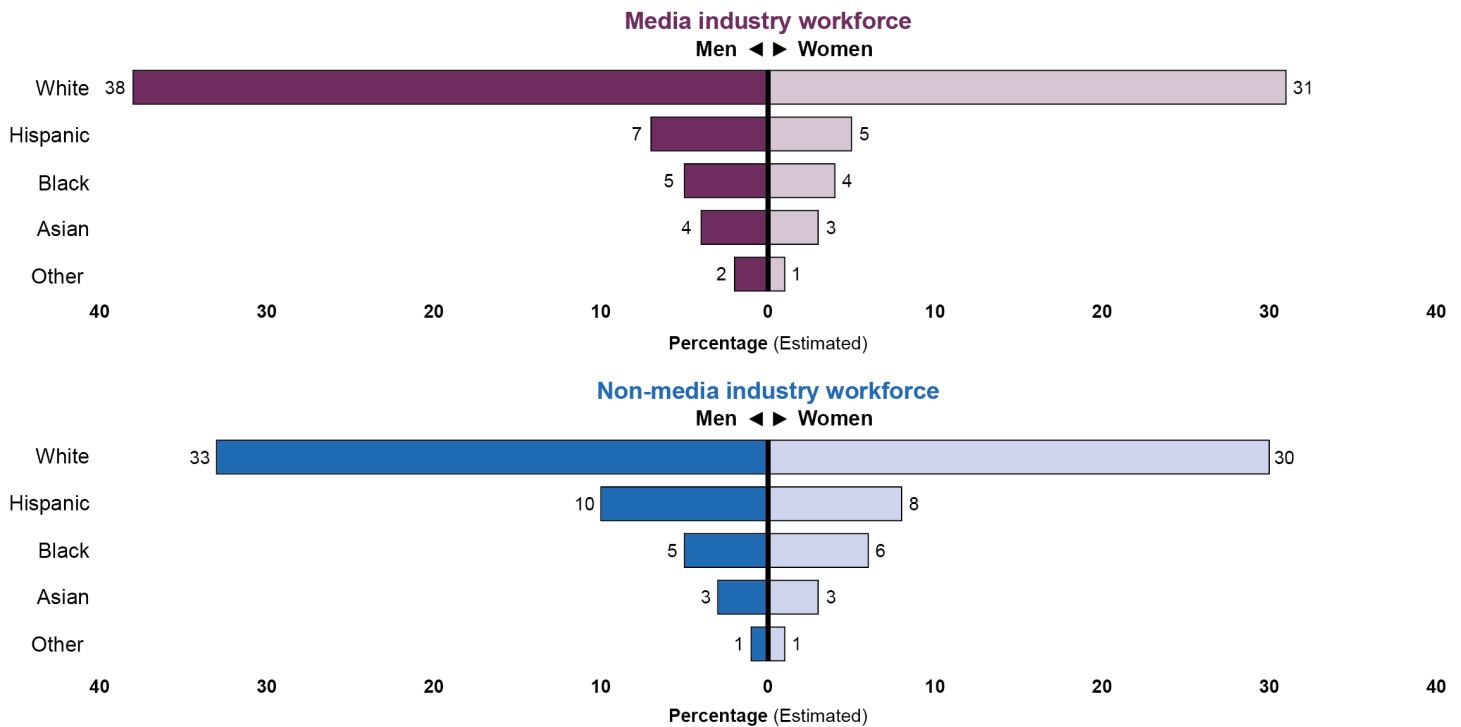
Notes: The Relative Standard Error (RSE) for all estimates presented in this figure is 30 percent or less, unless otherwise noted. Five estimates had relative RSE above 30 percent: the estimated percentage of actors who are Asian (95 percent confidence interval of 1.4 to 4.7); the estimated percentage of music directors who are Black (95 percent confidence interval of 5.2 to 16.8); the estimated percentage of music directors who are Asian (95 percent confidence interval of 0.8 to 5.4); the estimated percentage of music directors in the Other race/ethnicity category (95 percent confidence interval of 3.1 to 14.9); and the estimated percentage of photographers in the Other race/ethnicity category (95 percent confidence interval of 1.1 to 3.8).

We included only non-Hispanics in the White, Black, Asian, and Other categories. We created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races, because these groups made up a small percentage of workers.

Appendix II: Additional Analysis of Workforce Diversity in the Media Industry

Percentages may not add to 100 due to rounding.
Other designers include set and exhibit designers, among others.

Figure 9: Estimated Percentage of Workers within and outside of the Media Industry by Race/Ethnicity and Gender, 2015-2019

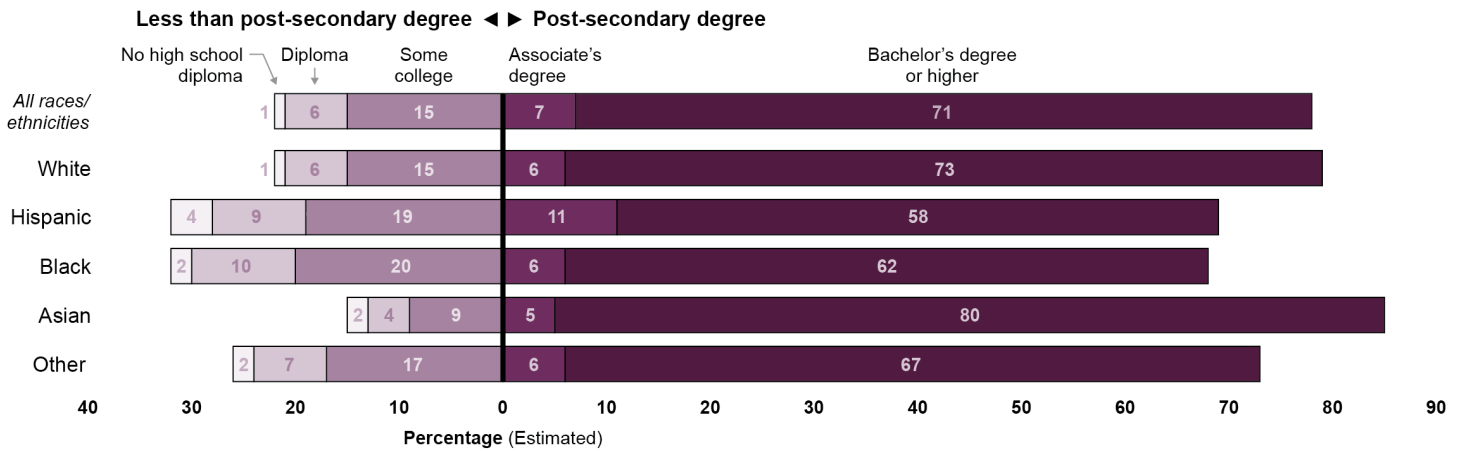


Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Notes: Estimates in this figure have relative standard errors of less than 4 percent. The ACS asks survey respondents to identify their sex (male or female). In this report, we use the term "gender" to refer to these data. We included only non-Hispanics in the White, Black, Asian, and Other categories. We created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races, because these groups made up a small percentage of workers.

Appendix II: Additional Analysis of Workforce Diversity in the Media Industry

Figure 10: Estimated Percentage of Media Workers by Race/Ethnicity and Educational Attainment, 2015-2019



Source: GAO analysis of American Community Survey (ACS) data from the U.S. Census Bureau. | GAO-22-104669

Notes: Media workers include those in media occupations within the media industry.

Estimates in this figure have relative standard errors of 30 percent or less.

We included only non-Hispanics in the White, Black, Asian, and Other categories. We created an "Other" category, which combined American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races, because these groups made up a small percentage of workers. Percentages may not add to 100 due to rounding.

Appendix III: Race/Ethnicity of Workers by Job Category, as Stated in Media Companies' Employer Information Reports to EEOC

Table 5 summarizes the race/ethnicity of workers in different job categories, based on data provided by media companies in their 2014-2018 Employer Information Reports (EEO-1) to the Equal Employment Opportunity Commission (EEOC). We present annual averages using the most recent 5 years of EEO-1 data on the media industry from 2014 through 2018.

In their EEO-1 reports, employers are asked to provide a count of the full and part-time employees working for the company during one pay period—known as the workforce snapshot period—from October through December of the reporting year.¹ Employers report a snapshot of their workforce, including a count of the companies' full- and part-time workers by sex, race/ethnicity, and EEO-1 job category.

Table 5: Percentage of Workers by Job Category and Race/Ethnicity in Media Companies' Submitted Employer Information Reports (EEO-1), 2014-2018

Job category	White (not Hispanic)	Black (not Hispanic)	Hispanic	Asian (not Hispanic)	Other (not Hispanic)
Senior and Executive Management	85	3	4	7	2
First and Mid-level Management	74	6	7	10	2
Professionals	67	6	7	17	3
Technicians	67	12	13	5	3
Sales Workers	77	9	8	3	3
Administrative Support Workers	61	19	13	4	4
Craft Workers	60	20	15	3	2
Operatives	63	18	12	5	2
Laborers	58	23	12	4	3
Service Workers	56	16	19	3	5
Total	67	11	10	9	3

Source: GAO analysis of U.S. Equal Employment Opportunity Commission, Employer Information Report (EEO-1) data. | GAO-22-104669

Notes: Percentages may not add to 100 due to rounding.

These data reflect information about full- and part-time employees reported by EEO-1 Component 1 filers during a workforce snapshot period chosen by the employer from third quarter of the calendar year for the reporting years 2014-2016 and the fourth quarter of the calendar year for the reporting years 2017-2018.

EEO-1 Component 1 filers include private firms with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria. Independent contractors and freelance workers are not included in these data. Therefore, our counts do not include the races or ethnicities of those

¹For the 2014-2016 EEO-1 Reports, the workforce snapshot period had to be selected from the third quarter of the reporting year. Beginning with the 2017 EEO-1 Report, the workforce snapshot period had to be selected from the fourth quarter of the reporting year.

**Appendix III: Race/Ethnicity of Workers by Job
Category, as Stated in Media Companies'
Employer Information Reports to EEOC**

individuals. This may affect our analysis if this particular workforce is skewed for certain racial or ethnic groups.

For our analysis, we created the "Other" category, which combined the American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander category with the Two or More Races category, because these groups made up a small percentage of workers reported by employers. While the EEO-1 report contains a category for "Two or More Races," employers cannot report more than one of the race/ethnicity categories. Moreover, an employee who identifies both as Hispanic and by another race/ethnicity must be reported as Hispanic and not by their other identified race.

Media companies include those classified under the following North American Industry Classification System (NAICS) codes: Newspaper, Periodical, Book, and Directory Publishers (5111), Motion Picture and Video Industries (5121), Sound Recording Industries (5122), Radio and Television Broadcasting (5151), Cable and Other Subscription Programming (5152), and Other Information Services (5191).

Appendix IV: Eligibility Requirements for When a Local Referral Union Must File a Local Union Report (EEO-3)

The EEO-3 is a biennial report requiring local unions with 100 or more members during the specified reporting period to provide certain union identification and eligibility information to EEOC. The EEO-3 further requires eligible local referral unions to provide summary demographic workforce data including race/ethnicity and sex broken down by membership, applicant and referral information.

A local union that meets the following eligibility requirements as a local referral union must submit demographic data under the EEO-3. These eligibility questions include the following:

- (1) Has the local union had 100 or more members at any time since December 31st of the preceding year?
- (2) Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:
 - a) Operate a hiring hall or hiring office?
 - b) Has an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?
 - c) Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?

The local referral union must submit demographic data if it answered “Yes” to eligibility question (1) above AND answered “Yes” to any of the sub-questions under question (2) above (i.e., (2)(a), (2)(b) or (2)(c)).

The local union is not required to submit demographic data if it answered “No” to question (1) above, OR it answered “No” to all three sub-questions under question (2) above.

Appendix V: Comments from the Equal Employment Opportunity Commission



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

August 29, 2022

Dawn Locke
Acting Director
Education, Workforce,
and Income Security Issues
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Locke:

Thank you for the opportunity to review the Government Accountability Office's (GAO) draft report entitled *Workforce Diversity: Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Federal Enforcement Efforts* (draft report). In the draft report, GAO examined the representation of Hispanics in the media industry over the last decade and analyzed how federal agencies, including the U.S. Equal Employment Opportunity Commission (EEOC), have enforced federal equal employment opportunity requirements in the media industry. The EEOC respectfully submits the following comments.

In the draft report, GAO recommended that the EEOC work with the Federal Communications Commission (FCC) to develop a new memorandum of understanding that includes a plan for the EEOC to routinely share data with FCC regarding discrimination charges filed against broadcasters and satellite television operators. The EEOC recognizes that coordinating with other federal agencies, including sharing data where appropriate, can be a valuable tool to prevent and remedy employment discrimination. Working in partnership with other enforcement agencies allows the EEOC to reduce and eliminate employment barriers, achieve sustained benefits for the communities we serve, and avoid duplication of efforts and conflicting enforcement objectives. Recognizing the importance of coordinating with our federal partners wherever possible, the EEOC anticipates working with the FCC to review the types of data collected by each agency, the potential for data sharing, and the possible improvements in enforcement. It is important to note that before the EEOC could execute a memorandum of understanding with the FCC, the EEOC would need to approve that document by a majority vote of the Commissioners.

In the draft report, GAO also recommended that the EEOC improve its approach to routinely identify local unions required to file an EEO-3 report to ensure that eligible unions file reports on the demographics of their members. The EEOC does not require every union and/or "local union" to file an EEO-3 report. The EEO-3 report has specific eligibility requirements which determine whether a union must provide demographic data to the EEOC on its members, applicants for membership, and referrals. A threshold eligibility requirement is whether the "local union" has had "100 or more members" during a specified reporting period. In addition to meeting the "100 or more members" threshold requirement, a local union must *also* be a local

**Appendix V: Comments from the Equal
Employment Opportunity Commission**



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

referral union before it is required to file an EEO-3 report.¹ Therefore, the EEOC does not require all unions in the media industry to file demographic data. Furthermore, any union that has 100 or more employees meets the filing threshold for the EEO-1 Component 1 report and is required to file an EEO-1 Component 1 report *for its own employees* (not union membership) as an employer.

The EEOC agrees that data quality is critical to enforcing the nation's equal employment opportunity laws. As such, the EEOC is focused on data driven decision-making and the transformative role data can have to make the federal government more efficient and to better serve the nation. As part of the EEOC's data and analytics modernization program, the agency has focused on enhancing the transparency of agency functions and operations, reducing burden on our stakeholders, augmenting agency use of modern data analytics to drive data-driven decision-making, and promoting greater public access to the data.

To this end, the EEOC is already actively exploring approaches that would allow the agency to better determine whether all eligible unions are complying with reporting requirements designed to collect demographic data on union membership and referrals. For example, the EEOC has been working on updating the roster of unions that may be required to submit EEO-3 reports, including coordinating with the U.S. Department of Labor to utilize existing data on local unions.

We appreciate the opportunity to review the draft report and to submit these comments for your consideration. We hope that you find this information helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charlotte A. Burrows".

Charlotte A. Burrows
Chair

¹ Pursuant to the instructions provided to EEO-3 filers by the EEOC, the eligibility requirements to determine whether a local union qualifies as a local referral union and must submit demographic data to the agency includes the following: "Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated: (a) Operate a hiring hall or hiring office (in its own behalf or through a joint council or other referral agent), or (b) Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or its agent, or (c) Have 10 percent or more of its members employed by employers which customarily and regularly look to the local union, or any agent of the local union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job? The local union will not be considered a local referral union where there are only occasional referrals to an employer who relies on sources other than the local union, or an agent of the local union, for a substantial portion of all hires. For example, a local union representative in an industrial plant who occasionally recommends persons for a job at the employer's request would not in itself result in the classification of that local union as a local referral union."

Appendix VI: Comments from the Federal Communications Commission



Federal Communications Commission
Washington, D.C. 20554

August 25, 2022

Dawn Locke
Acting Director - Education, Workforce, and Income Security Issues
Government Accountability Office
441 G St. NW
Washington, DC 20548

Dear Ms. Locke:

Thank you for the opportunity to review and comment on the U.S. Government Accountability (GAO) draft report entitled *Hispanic Workers Are Underrepresented in the Media, and More Data Are Needed for Enforcement Efforts*. The Federal Communications Commission (FCC or Commission) is committed to ensuring workforce diversity and equal employment opportunity in the media and the elimination of discriminatory employment policies and practices.

In the draft report, GAO makes the recommendation that the FCC work with the U.S. Equal Employment Opportunity Commission (EEOC) to develop a new memorandum of understanding (MOU) that includes a plan for the EEOC to routinely share data with the Commission regarding discrimination charges against broadcasters, cable, and satellite television and radio operators. The draft report suggests that such data would be helpful to the Commission as part of our licensing process.

We concur that receiving relevant data from the EEOC would provide assistance to the Commission in the application of our EEO requirements and in the preparation of industry reports. We are evaluating the best vehicle to accomplish this task. To address GAO's recommendation, we have held initial discussions with the EEOC regarding the establishment of an agreement to cooperate. Our intent is to further engage with the EEOC in order to secure a new agreement that includes data sharing terms.

Thank you again for the opportunity to review GAO's recommendation. We look forward to working with GAO in the future.

Sincerely,

Handwritten signature of Holly Saurer in black ink.

Holly Saurer
Chief,
Media Bureau

Handwritten signature of Loyaan A. Egal in blue ink.

Loyaan A. Egal
Acting Chief,
Enforcement Bureau

Appendix VII: GAO Contact and Staff Acknowledgments

GAO Contact

Dawn G. Locke, (202) 512-7215 or locked@gao.gov.

Staff Acknowledgments

In addition to the contact named above, GAO staff who made key contributions to this report include Rebecca Woiwode (Assistant Director), Cathy Roark (Analyst in Charge), Joel Marus, and Layla Moughari, as well as Caitlin Cusati, Gustavo O. Fernandez, Sophia Liu, Jessica Orr, Moon Parks, James Rebbe, and Manuel Valverde. Other contributors include James Bennett, Clifton G. Douglas, Jr., Anjalique Lawrence, Kate Lenane, Zina Merritt, Carl Nadler, David Perkins, Amrita Sen, Almeta Spencer, Andrew Von Ah, Betty Ward-Zukerman, Danielle White-Alston, Amber Yancey-Carroll, Stephen Yoder, and Charles Young.

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