

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Federal Trade Commission (FTC) Equity Action Plan

1. Executive Summary

2. **Summary of Early Accomplishments** (since 1/20/21)

3. Equity Action Plan

OMB guidance: Please clearly identify **three to five** actions that your agency plans to undertake and list them **in order of priority**; provide evidence-based reasoning for selection; and outline

4. Action Plan: Equity in Consumer Protection Enforcement

The FTC's Bureau of Consumer Protection (BCP) plans to develop a toolkit to aid staff in evaluating the impact of deceptive or unfair practices in the use of emerging technologies (e.g., algorithmic bias and the gig economy) on underserved communities, building on the foundation and momentum of the ECI and the agency's strategic goals.

A. Barriers to Equitable Outcome(s)

- Companies employing emerging technologies may engage in deceptive or unfair practices that are especially harmful to underserved communities. Assessing whether these communities are disproportionately impacted is challenging without guidance or resources for doing so.
- Data and reporting limitations make it difficult to spot and quantify disproportionate harms, but research shows that certain practices may harm some consumers more than others.
 - “Gig work” companies often recruit individuals in financial distress, offering a flexible work schedule and appealing potential earnings. If these companies mislead individuals about the job, the individuals may suffer harm due to lost wages, missing tips, and wasted time.¹ As discussed in the October 2021 FTC Staff Report: Serving n33.0 (n33.ww29)T0.w2(e

decision-making has the potential to result in similarly biased and unfair outcomes in these spheres.⁷

B. Actions and Intended Impacts on Barrier

- BCP plans to develop a toolkit for assessing whether certain communities are disproportionately suffering losses as a result of unfair or deceptive practices in the use of emerging technologies.
- If BCP identifies new law enforcement actions, it will seek to bar further harms through injunctive relief and compensate consumers where possible. Increased outreach will warn consumers in those communities, potentially helping them avoid harm. Holding firms accountable for this behavior and bringing light to the consequences may also encourage other market actors to take steps to prevent these impacts.

C. Tracking Progress

- Short term (2-4 years out):
 - Have we implemented the new toolkit and directed resources toward this effort?
 - Have the efforts resulted in law enforcement actions?
 - Are market actors responding to our efforts?
- Long-term (5-8 years out):
 - Use of the toolkit is embedded in staff's work.
 - Robust law enforcement, community outreach, and new policies or initiatives (e.g.,

include low-income, rural, and communities of color. The second modification will be to ensure that merger analysis includes effects on workers and restrictive covenants.

- BC staff will continue ongoing efforts to develop—and refine—information requests (via voluntary access letters, second requests, and civil investigative demands) in merger and anticompetitive conduct cases to solicit information about the impact of transactions on underserved communities. One critical aspect of this endeavor will be the consistent inclusion of information requests seeking information about how merging parties compete in labor markets. These requests will produce documents, data, and other information that will help BC identify workers who may be particularly vulnerable to post

C. Tracking Progress

- Short term success (2-4 years out): The agency will hire a Chief Diversity Officer and deliver equity training in phases, as informed by the newly hired CDO's plans.
- Long term success (5-8 years out): Specific measures of progress are described in the Action Plans and the agency will develop additional measures in coordination with the newly hired Chief Diversity Officer.

D. Accountability

The Commission will hold itself accountable to implementing these strategic priorities through its existing planning and monitoring processes. Progress on actions and objectives will be monitored and updated on a regular basis.

7. Action Plan: Equity in Procurement and Contracting

The FTC intends to (1) procure training for its skilled acquisition workforce to increase awareness of opportunities to embed equity analysis in contracting operations and (2) collect and analyze data that will enable the FTC to better support the small business community, including historically disadvantaged and underrepresented entrepreneurs.

A. Barriers to Equitable Outcome(s)

The agency exceeds government-wide goals for small business contracting and plans to identify more opportunities to support Small Disadvantaged Businesses, women-owned small businesses,

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