

Plenary on Ideas for the Future

Inclusionary Levers

Olatunde Johnson
Columbia Law School

This presentation makes the case for moving beyond a prohibitory approach in antidiscrimination law towards reliance on a broader range of regulatory inducements to advance equality. Incentives for promoting inclusion might include spending programs, competitive grants, tax incentives, contests for labor agreements and licenses, requirements attached to land-use development, and scoring systems for public contracts that reward entities that promote inclusion. My argument is that relying on these types of incentives expands the tools typically employed by public entities to advance antidiscrimination and equity. I will address tools available not just at the federal level, but on power that lies in the domain of state and local governments. The presentation will pay particular attention to using these tools to advance equity in employment, focusing on initiatives such as the use of federal compliance to advance pay equity, and state and local government zoning to advance inclusion in low-wage employment.