

## **EEOC Publishes Updated Equal Employment Opportunity Poster, Know Your Rights: Workplace Discrimination is Illegal**

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The U.S. Equal Employment Opportunity Commission (“EEOC”) released a new employment law poster on October 19, 2022, the “Know Your Rights: Workplace Discrimination is Illegal” poster, updating and clarifying several areas and replacing the previous “Equal Employment Opportunity is the Law” poster. The EEOC’s intent was to make it “easier for employers to understand their legal responsibilities and for workers to understand their legal rights and how to contact EEOC for assistance.” The *Know Your Rights* poster clearly makes it easier for an employee or applicant to file a charge by including a QR code linking directly to instructions on how to file a charge of workplace discrimination with the EEOC.

“Covered Employers” are required by federal law to prominently display the poster at their work sites. The term “Covered Employer” is defined to include employers with at least 15 employees are covered by the various laws enforced by the EEOC, with the exception of age discrimination laws which require a minimum of 20 employees. The *Know Your Rights* poster should be placed in a prominent location in the workplace where it can be easily seen by employees and applicants, usually where other notices to applicants and employees are customarily posted, ensuring that the location is accessible to applicants and employees with disabilities that limit mobility. In addition to physically posting, the EEOC encourages covered employers to post the notice digitally on their web sites in a prominent location. The maximum penalty for violating the EEOC’s posting requirement is currently \$612 per violation, but will increase annually based on inflation. Additionally, the failure to post the required poster or to post the poster in appropriate noticeable locations can compromise potential defenses in a charge of discrimination or lawsuit.

The EEOC promotes that the new *Know Your Rights* poster includes several updates and clarifications:

- Uses straightforward language and formatting;
- Notes that harassment is a prohibited form of discrimination;
- Clarifies that sex discrimination includes discrimination based on pregnancy and related conditions, sexual orientation, or gender identity;
- Adds a QR code for fast digital access to the how to file a charge webpage; and
- Provides information about equal pay discrimination for federal contractors.

The *Know Your Rights* poster summarizes laws using what the EEOC described as “plain language and bullet points” and explains that employees or applicants can file a charge of discrimination with the EEOC if they believe that they have experienced discrimination, harassment, or retaliation. The poster shares information about discrimination based on:

- Race, color, sex (including pregnancy and related conditions, sexual orientation, or gender identity), national origin, or religion;
- Age (40 and older);
- Equal pay;
- Disability;
- Genetic information (including family medical history or genetic tests or services); and
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

The new *Know Your Rights* poster is free to download, in English and Spanish, to all employers at [www.eeoc.gov/poster](http://www.eeoc.gov/poster).

For any additional information, questions, or concerns regarding this or any other employment related matter, please contact C. Jason Willcox at (229) 888-3338 or [jwillcox@mcd-r-law.com](mailto:jwillcox@mcd-r-law.com).

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