

EEOC Issues New "Know Your Rights" Poster Required to be Posted by Employers

As local governments are subject to a variety of federal workplace discrimination laws, you've likely been posting at your workplace for many years an "Equal Employment Opportunity is the Law" poster in order to comply with federal posting requirements. While the specific application of these laws can vary from statute to statute, the EEO laws generally require employers—including covered local governments—to post a notice describing the federal laws prohibiting job discrimination based on race, color, religion, national origin, sex (including pregnancy and related conditions, sexual orientation, or gender identity), age (40 and older), or genetic information, and prohibiting retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

On October 20, 2022, the Equal Employment Opportunity Commission ("EEOC") issued a new "Know Your Rights: Workplace Discrimination is Illegal" poster, replacing its long-standing "EEO is the Law" poster. Covered employers are required to post the new "Know Your Rights" poster on a going-forward basis. While the EEOC has not provided a specific deadline by which employers must display the new poster, the agency's recent FAQ Fact Sheet states employers "should remove the old poster and display the new one within a reasonable amount of time." As noncompliance with posting requirements can be subject to fines, CIRSA suggests your entity replace its "EEO is the Law" poster with the "Know Your Rights" poster as soon as possible.

If your entity is a small employer with fewer than 15 employees, it may not be covered by some federal anti-discrimination laws. For example, a covered entity under the Americans with Disabilities Act generally is limited to employers with 15 or more employees. On the other hand, the Age Discrimination in Employment Act ("ADEA") has no minimum employee threshold, and the ADEA has its own mandatory posting requirements. For this reason, your small municipality may conclude it's best to post the new EEOC "Know Your Rights" poster, irrespective of the number of employees it has, simply to help ensure the posting requirements you do have are met in a manner prescribed by the EEOC. CIRSA supports this approach and believes it is best practice to post the new "Know Your Rights" poster in order to avoid any risk of fines or liability for noncompliance with this EEOC posting requirement.

You can find the EEOC's webpage with links to the new poster [here](#), available in printable and screen reader format. Currently, the poster is available in [English](#) and [Spanish](#), with additional languages to be added in the future. The EEOC's recent FAQ Fact Sheet on this posting requirement can be found [here](#).

If you have any questions regarding the above article, please contact Sam Light, CIRSA General Counsel, at saml@cirsa.org.

Note: This article is intended for general information purposes only. Employment law posting requirements are technical and covered entities are responsible for their own posting practices and compliance with applicable federal and state laws. CIRSA can provide general information on workplace poster requirements but readers should consult with their entity's own counsel for legal advice on specific issues.