

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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EEOC Release Update to “Know Your Rights” Poster

On Oct. 20, 2022, the Equal Employment Opportunity Commission (EEOC) released an updated poster, titled “[Know Your Rights](#).” This poster replaces the EEOC’s “Equal Employment Opportunity is the Law” poster, and covered employers are now required to replace the prior posters with the new version.

As with the prior poster, the revised poster contains information on prohibiting discrimination under Title VII of the Civil Rights Act of 1964, as well as several other laws, including the Americans with Disabilities Act (ADA) and the Genetic Information Non-Discrimination Act. The revised poster, however, uses notably clearer language and bullet points to aid employees in understanding their rights. To further achieve that goal, the revised poster also contains information on harassment as a form of discrimination, and adds pregnancy, gender identity and sexual orientation as types of illegal sex discrimination. The poster contains specific information for federal contractors and has a QR code that individuals can use to link directly to the EEOC’s website to file a complaint.

The EEOC has not released a specific date by which the revised poster must be used, but has released a guidance stating: “Employers should remove the old poster and display the new one within a reasonable amount of time.” The guidance notes that the poster must be placed in a conspicuous location where notices to applicants and employees are customarily posted. The poster may also be distributed electronically, but electronic distribution does not remove an employer’s requirement to have the poster present in the physical workplace. The poster is presently available in both English and Spanish, and the EEOC has also released a version specifically modified for screen reading.

Employers who fail to comply with the new posting requirement may face penalties. One potential penalty is a \$612 fine, which would apply to each of the employer’s non-compliant locations. Another repercussion for employers could consist of a court extending statutory limitations periods for filing complaints with the EEOC, with the theory being that the individual did not have notice of the time limitations due to the absence of the required posting.

Employers are encouraged to post the revised poster as soon as possible. Those with questions regarding the new “Know Your Rights” poster should contact [Theresa Rusnak](#) or the Bond attorney with whom you are regularly in contact.

