

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The mission of the Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is to ensure equality of opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the basis of race, color, sex (including pregnancy, sexual orientation, and gender identity), religion, or national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to persons of different sexes performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibits employment discrimination based on disability); title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state and local government employees from employment discrimination on the basis of race, color, religion, sex, national origin, age, or disability); and the Pregnant Workers Fairness Act (requires covered entities to provide reasonable accommodation to qualified applicants' and employees' known limitations related to, affected by, or arising out of pregnancy, childbirth or related medical conditions, unless doing so would cause an undue hardship).

The EEOC has authority to issue legislative regulations under the Age Discrimination in Employment Act (ADEA), title I of the Americans with Disabilities Act (ADA), title II of the Genetic Information Nondiscrimination Act (GINA), and under the Pregnant Workers Fairness Act (PWFA). Under title VII of the Civil Rights Act, the EEOC's authority to issue legislative regulations is limited to procedural, record keeping, and reporting matters.

Nine pending items are identified in the EEOC's Fall 2023 Regulatory Agenda, five at the proposed rule stage and four at the final rule stage. One of those items is singled out as a key priority in this Regulatory

Plan: the recently published proposed rule implementing the PWFA, for which a final rule will be drafted after consideration of public comments received from the full range of EEOC stakeholders.

The PWFA went into effect on June 27, 2023, and it requires employers with 15 or more employees to provide reasonable accommodations to job applicants and employees for known limitations related to, affected by, or arising out of pregnancy, childbirth or related medical conditions, unless doing so would cause an undue hardship for the employer. While other laws enforced by the EEOC, including title VII and the ADA, provide some protections and accommodations for pregnant workers, the PWFA fills gaps in these federal legal protections. Under the ADA, unless the individual's pregnancy, childbirth, or related medical condition rose to the level of a disability as defined in that statute, an employer would not be obligated to provide a reasonable accommodation to do the job. Under title VII, the pregnant employee would need to show that the employer provided the accommodation to a similarly situated worker who was not pregnant in order to get the accommodation. The PWFA requires covered entities to provide reasonable accommodations to a qualified employee's or applicant's known limitation related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship on the operation of the business of the covered entity. The PWFA provides some examples of potential reasonable accommodations for pregnant employees, such as: a change in the food or drink policies to allow the pregnant worker to have a water bottle or food; a reduction in lifting requirements; the ability to sit; additional breaks to use the bathroom, eat, and rest; being excused from activities that involve exposure to compounds unsafe for pregnancy; and providing appropriately sized uniforms and safety apparel.

On August 11, 2023, the EEOC issued proposed regulations soliciting public input and comment before the PWFA regulations become final. See [Federal Register :: Regulations To Implement the Pregnant Workers Fairness Act](#). The EEOC announced a 60-day public comment period, starting on August 11, 2023 and ending on October 10, 2023. Additionally, through media exposure, including press interviews, the Commission continues to inform the public of these new employee protections. The EEOC also conducted trainings so that employers and employees better understand their rights and responsibilities under the PWFA, and it will continue to do so in the months and years ahead.

Consistent with Executive Order 12866, as reaffirmed and amended in Executive Order 13563, and subsequently reaffirmed and supplemented by Executive Order 14094, this statement was reviewed and approved by the Chair of the Agency.