

## **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 prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all. The EEOC enforces the following federal statutes: title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the bases of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and 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 (prohibit 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 bases of race, color, religion, sex, national origin, age, or disability); and the Pregnant Workers Fairness Act of 2022 (requires covered entities to provide reasonable accommodation to qualified workers' 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 the Pregnant Workers Fairness Act (PWFA). Under title VII of the Civil Rights Act of 1964, the EEOC's authority to issue legislative regulations is limited to procedural, recordkeeping, and reporting matters.

Six pending items are identified in the EEOC's Fall 2024 Regulatory Agenda, five at the proposed rule stage and one at the final rule stage. One of those items is singled out as a key priority in this Regulatory

Plan: the proposed rulemaking regarding the EEOC's authority to collect pay data or related information as "reasonable, necessary, or appropriate" for the enforcement of title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. See 42 U.S.C. 2000e-7(c). In response to a request from the EEOC, the National Academies of Sciences, Engineering, and Medicine (NASEM) appointed a panel of experts under the Committee on National Statistics (CNSTAT) to independently examine the quality of summary pay data that the Commission collected for 2017 and 2018 and provide recommendations for any future data collections. In 2022, the CNSTAT panel issued its report (the "NASEM Report"). The NASEM Report concluded that the collection of pay and related data would significantly enhance the EEOC's efficiency in investigating charges alleging not just pay discrimination, but also other forms of discrimination that can generate pay disparities, such as discrimination in promotions, other terms and conditions of employment, job/work assignments, and occupational segregation. NASEM, Evaluation of Compensation Data Collected Through the EEO-1 Form (2022), at 28.

The NASEM Report's conclusions and recommendations will help inform the EEOC's approach to any future pay data collection. In addition to the notice and comment rulemaking process, the Commission may conduct a public hearing on the proposal to authorize such collections, consistent with title VII.