

Employment Law Advisory: EEOC releases new "Know Your Rights" poster

On October 19th, the Equal Employment Opportunity Commission ("EEOC") released a new "Know Your Rights" poster, replacing the previous "EEOC is the Law" poster (last updated in 2009). Federal law requires covered employers to "prominently display" the poster at their worksites. The EEOC has prepared several versions of the poster depending on whether it will be read electronically or posted in the workplace. These different versions of the "Know Your Rights" poster can be found on the EEOC's website.



[Biography](#)

Who is a covered employer?

Private employers with at least 15 or more employees are a covered employer under Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act ("ADA"). Likewise, state and local government employers with 15 or more employees and federal the federal government are covered employers. Neither Title VII nor ADA apply to Tribal Nations, but they apply to covered private employers operating within reservations.

When must a covered employer swap the posters?

Employers should replace the outdated poster with the new poster immediately. The press release from the EEOC does not state that there is a grace period for employers to replace the outdated poster for the new “Know Your Rights” poster. But it does remind employers that they “are subject to fines for non-compliance.” So employers should act expeditiously to exchange these posters.

What laws does this poster cover?

Several federal laws enforced by the EEOC require covered employers to post a notice describing the Federal laws prohibiting job discrimination. In addition to the previously mentioned Title VII and ADA, this poster covers the Age Discrimination in Employment Act, Genetic Information Non-Discrimination Act, and the Equal Pay Act.

What changes does the poster include?

According to the EEOC, the new “Know Your Rights” poster offers the following changes and improvements:

- 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 new poster is available in both English and Spanish. The EEOC has indicated that other translations are forthcoming. In addition to physically displaying the poster, the EEOC is “encouraging” employers to post the notice digitally on their websites in a conspicuous location.

Best practices?

Don't forget that there are other workplace posters that are required to be prominently displayed under federal and Arizona law. The Department of Labor offers other federal workplace posters for free on its website. Likewise the Industrial Commission of Arizona provides employers with a link to posters that must be displayed.

As a reminder to those employers with fully remote workforces, employers must make these posters available to employees electronically either in a workplace intranet, through their payroll provider, or via email. Take care to be able to demonstrate that employees have been made aware of these posters and how to access them. Further, some posters (i.e., Arizona Minimum Wage) are required to be updated annually to maintain compliance. Accordingly, employers should audit their posters annually, preferably at or near the first of each year.

We encourage employers who have specific questions about required postings or other related employment issues to contact Jodi Bohr at jrb@tblaw.com or (602) 255-6082, to ensure your workplace is in compliance with employment law posting requirements

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