

EEOC Prioritizes Sexual Harassment, Pay Discrimination and AI in 2023-27

The U.S. Equal Employment Opportunity Commission (EEOC) released its proposed Strategic Enforcement Plan (SEP) for fiscal years 2023-27. Once finalized, the SEP will establish the EEOC's enforcement priorities as it works to remedy workplace discrimination. According to the draft SEP, the EEOC is prioritizing subject matters such as eliminating barriers in recruitment and hiring; protecting vulnerable workers and persons in underserved communities from employment discrimination; addressing selected emerging and developing issues; advancing equal pay for all workers; preserving access to the legal system; and preventing and remedying systemic discrimination.

To aid in these enforcement efforts, the agency plans to issue updated employer guidance to help prevent workplace sexual harassment and address the underreporting of such harassment. The EEOC plans to accomplish this by focusing on workplaces that historically have experienced above-average levels of harassment and employ vulnerable workers. For now, the agency offers Promising Practices for Preventing Harassment, a resource that aids employers in preventing sexual harassment in the workplace. The draft SEP states the EEOC intends to identify discriminatory factors leading to illegal pay disparities by targeting relevant geographic areas and industries. The agency's plan also addresses the use of artificial intelligence (AI) in the workplace to ensure these tools do not discriminate against protected groups.

While the final SEP may differ from the current version, the draft reveals the EEOC's intentions. Therefore, employers should consider reviewing the draft to determine how it may impact their organizations.

