

# Legal Update

Brought to you by: Employco USA, Inc.

## EEOC Increases Penalty for Violations of Notice-posting Requirements

On Feb. 16, 2024, the U.S. Equal Employment Opportunity Commission (EEOC) published a [final rule](#) increasing the maximum civil monetary penalty for violations of federal requirements for employers to post notices about fair employment laws in their employees' workplaces.

The EEOC is required to adjust these penalties for inflation each year to advance their effectiveness and strengthen their deterrent effect. The new amount applies to penalties assessed on or after Feb. 16, 2024.

### Inflation-adjusted Penalty

The new maximum penalty amount is **\$680**, which is an increase from \$659.

This penalty may be assessed against any entity that is required but fails to display notices mandated under Title VII of the Civil Rights Act (Title VII), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA) or the Pregnant Workers Fairness Act (PWFA). The EEOC issued an updated poster last year titled "[Know Your Rights: Workplace Discrimination is Illegal](#)" for covered entities to use for compliance with these mandates as of June 27, 2023.

Under the Federal Civil Penalties Inflation Adjustment Act Improvements Act, the EEOC must annually adjust the penalty amount but has no discretion over whether or how to calculate the adjustment. Instead, the adjustment is calculated by comparing the Consumer Price Indexes for All Urban Consumers from the prior two years.

### Covered Entities

Generally, the laws that require the "Know Your Rights" poster apply to all private employers with 15 or more employees, state and local governmental employers, labor organizations and joint labor management committees.

### Poster Display Requirements

Covered entities must place the posters in conspicuous locations in the workplace where notices to applicants and employees are customarily posted.

The EEOC also encourages covered entities to display the notices digitally on their websites. In most cases, electronic posting should be in addition to a physical posting. However, an electronic poster may be the only one if there is no physical workplace. For example, this may be the case for employees who telework or work remotely and do not visit the employer's workplace on a regular basis.

## IMPORTANT INFORMATION

- The EEOC has increased the penalty amount for an employer's failure to display the "Know Your Rights" poster as required under Title VII, the ADA, GINA and the PWFA.
- The new maximum penalty amount is **\$680** for each separate offense.
- The prior penalty amount was \$659 per violation.
- The required posters include [English](#) and [Spanish](#) versions for physical posting in the workplace, plus [PDF English](#), [HTML English](#), [HTML Spanish](#) versions for electronic posting.

---

Provided by Employco USA, Inc.

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2024 Zywave, Inc. All rights reserved.