

EEOC Releases Its Draft Strategic Enforcement Plan Discussing Key Priorities For Fiscal Years 2012-2016

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As part of its broader Strategic Plan for Fiscal Years 2012-2016, the Equal Employment Opportunity Commission (EEOC) has released a draft Strategic Enforcement Plan (SEP) for Fiscal Years 2012-2016, setting forth its primary priorities for the coming years, and seeks public commentary on same prior to voting on the SEP at the end of September 2012.

The SEP, which can be [found here](#), discusses the EEOC's history, composition, and responsibilities, as well as the background events giving rise to the development of the SEP in general and sets forth the most recent priorities for the EEOC. Identified priorities for the years ahead include:

- (1) Eliminating systemic barriers in recruitment and hiring by targeting class-based intentional discrimination in hiring, as well as facially-neutral practices that have an adverse impact on certain groups;
- (2) Protecting immigrant, migrant and other vulnerable workers by targeting disparate pay, job segregation, harassment, trafficking and discriminatory language policies that could adversely affect workers who may not know of their rights under equal employment laws or who can or are afraid to exercise such rights;
- (3) Addressing emerging issues by continuing to research and identify emerging trends and discriminatory practices, as well as responding promptly to enacted legislation and developing judicial and administrative interpretations in order to prevent the spread of discriminatory practices. Specific areas the EEOC anticipates targeting are ADA Amendment Act issues (such as coverage issues and availability of ADA defenses), issues pertaining to lesbians, gays, bisexuals and transgender individuals' coverage under Title VII sex discrimination provisions, and pregnancy accommodation issues.
- (4) Preserving access to the legal system by targeting policies and practices discouraging individuals from exercising their rights under the equal opportunity laws (such as retaliatory actions, overly broad waivers, etc.); and
- (5) Combating harassment by re-evaluating EEOC's strategies and engaging in an outreach campaign to assist employees and employers with prevention and response to workplace harassment.

The SEP further provides guidance on and serves as a useful tool in understanding, among other things, how the EEOC will prioritize the handling

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of charges that reflect the identified types of concerns in accordance with new Priority Change Handling Procedures being implemented, as well as the various levels of oversight and integrated efforts across EEOC staff that shall occur to further the goals of the SEP.