

# BREAKING NEWS

## LABOR & EMPLOYMENT

## EEOC Issues New National Enforcement Plan: What Employers Should Know

On June 4, 2026, the U.S. Equal Employment Opportunity Commission ("EEOC") released a new **National Enforcement Plan ("NEP")**, replacing the agency's prior Strategic Enforcement Plan before its scheduled expiration.

The EEOC is the federal agency responsible for enforcing laws that prohibit workplace discrimination. The NEP serves as a roadmap for how the agency will direct its resources, including investigations, enforcement actions, litigation, and outreach efforts. While the EEOC will continue to investigate all charges of discrimination, the NEP highlights the areas that are likely to receive increased attention in the coming years.

For employers, the NEP provides valuable insight into the issues the EEOC considers most significant and can serve as a useful guide when reviewing workplace policies, employment practices, and compliance efforts.

### Key Points

#### 1. **Intentional Discrimination**

The EEOC has signaled that it intends to shift its focus and resources on cases involving alleged intentional discrimination, rather than policies that are facially neutral but may have

a disparate impact on certain groups. Employers should expect increased scrutiny of employment decisions where there is evidence suggesting differential treatment based on race, sex, religion, national origin, age, disability, or other protected characteristics.

#### 2. **Diversity, Equity, and Inclusion (DEI) Programs and Initiatives**

One of the most significant developments in the NEP is the agency's stated focus on examining DEI initiatives that may involve race- or sex-based preferences. The EEOC has indicated that it will closely scrutinize programs that utilize quotas, demographic goals that function as quotas, preferential selection criteria, diversity-based hiring panels, certain mentorship or internship programs, and compensation incentives tied to demographic outcomes. Employers should review DEI initiatives to ensure that they promote equal opportunity without creating preferences or exclusions based on protected characteristics.

#### 3. **Hiring and Recruitment Practices**

The EEOC intends to prioritize hiring practices that expressly or effectively discourage certain applicants from applying for employment. This includes



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job advertisements, recruiting strategies, applicant screening procedures, and selection criteria that reference protected characteristics or create barriers to equal employment opportunities. Employers should review recruiting materials and hiring procedures to ensure they are based on legitimate, job-related qualifications.

#### **4. Religious Accommodations**

The EEOC has identified religious discrimination and religious accommodation requests as an enforcement priority. Employers should expect increased scrutiny of accommodation requests involving religious observances, scheduling, dress and grooming practices, and sincerely held religious beliefs. The agency is likely to continue focusing on whether employers appropriately evaluate accommodation requests and whether denials are supported by legally recognized undue hardship considerations.

#### **5. Anti-American National Origin Discrimination**

The EEOC has identified anti-American national origin discrimination as a priority area. This includes situations where U.S. workers are allegedly disadvantaged in favor of foreign workers or visa holders with respect to hiring, assignments, compensation, or other employment opportunities. Employers utilizing visa programs or global recruiting practices should ensure that employment decisions remain compliant with federal anti-discrimination laws.

#### **6. Sex-Based Rights and Workplace Policies**

The agency has also indicated that it will prioritize matters involving sex-based workplace rights, including issues related to single-sex facilities

and policies that distinguish on the basis of sex. Employers should continue monitoring developments in this area, particularly as federal agencies and courts continue to address evolving legal standards.

#### **7. Cases Involving Recent Supreme Court Decisions**

The EEOC has stated that it will devote resources to cases involving the interpretation and application of recent Supreme Court decisions affecting employment discrimination law. The NEP expressly identifies the application of recent Supreme Court decisions as an enforcement priority, including cases such as Ames v. Ohio Department of Youth Services (regarding the analysis of voluntary affirmative action programs), Muldrow v. City of St. Louis, (concerning the level of harm necessary to support certain Title VII discrimination claims), Groff v. DeJoy (concerning employers' obligation to reasonably accommodate religious practices under Title VII), and Bostock v. Clayton County (with respect to employees' right to single-sex intimate spaces and the employees' and employers' right to express the binary nature of sex). The EEOC's inclusion of recent Supreme Court decisions in the National Enforcement Plan is revealing because it signals that the agency is not only interested in enforcing existing law, but also in helping shape how these decisions are interpreted by lower courts.

#### **What should Employers do?**

**Employers may wish to take the following proactive steps:**

- **Review hiring and recruitment practices.**
- **Evaluate DEI programs and initiatives with legal counsel.**
- **Review accommodation procedures for religious and disability-related requests.**
- **Periodically review workplace policies and employee handbooks with legal counsel to ensure compliance.**
- **Maintain clear documentation supporting employment decisions.**
- **Consult counsel before implementing programs that consider race, sex, national origin, or other protected characteristics in employment decisions.**

#### **Main Takeaway**

The EEOC's new NEP marks a substantial shift in enforcement priorities and provides employers with an important preview of where the agency intends to focus its resources through 2029. The plan signals heightened scrutiny of intentional discrimination, DEI-related practices, religious accommodation issues, anti-American national origin discrimination, and other matters identified by current EEOC leadership. Employers should use this opportunity to review existing policies and practices to ensure compliance and minimize the risk of agency investigations and litigation.

**If you have any additional questions or require legal counsel regarding this matter, please contact us at (787) 945-0380.**