

HR Insights

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What the EEOC's FY 2023 Budget Justification Means for Employers

The Equal Employment Opportunity Commission (EEOC) recently presented its [budget for fiscal year 2023](#). Examining how the EEOC intends to spend its money can help with gauging where the agency may soon be focusing its enforcement efforts, an important consideration for employers.

This article explores where EEOC enforcement may be headed in the near future.

EEOC Enforcement Refresher

Before looking toward enforcement trends, it's important to first keep in mind the types of workplace laws the EEOC upholds.

The EEOC is responsible for the following laws:

- Title VII of the Civil Rights Act
- The Age Discrimination in Employment Act
- The Pregnancy Discrimination Act
- The Equal Pay Act (included in the Fair Labor Standards Act)
- Titles I and V of the Americans with Disabilities Act
- Sections 501 and 505 of the Rehabilitation Act of 1973
- Title II of the Genetic Information Nondiscrimination Act

These laws protect individuals from workplace discrimination and retaliation for opposing such discrimination. The laws also limit the types of personal health information an employer may obtain and restrict how it may be used.

When an employer runs afoul of these laws, the EEOC may get involved after an employee files a complaint. Notably, with a larger operating budget, the agency's involvement may be more commonplace in the immediate future.

2023 Budget Justification Overview

President Joe Biden's proposed budget for next year includes \$464.65 million for the EEOC, an increase of about 10% (\$60 million) from its 2022 allotment. This amount will allow the EEOC to continue pursuing anti-discrimination efforts at an effective pace, aligning with the president's goal of having a "whole-of-government" approach for addressing discrimination and advancing equality.

More specifically, EEOC Chair Charlotte A. Burrows justified the budget increase by outlining the agency's broad goals for 2023, which include:

- Combating racial injustice and systemic discrimination on all protected bases
- Improving pay equity
- Addressing the civil rights impact of the COVID-19 pandemic
- Strengthening the agency

These goals echo past efforts of the EEOC, which has always sought to advance workplace equality. Perhaps the most noteworthy addition to the 2023 goals is the "strengthening of the agency." In 2021, the EEOC added over 450 front-line employees, including investigators. In 2023, the agency intends to expand its ranks even further.



Employer Takeaways

From a high level, the EEOC's 2023 goals indicate the potential for increased enforcement. After all, the agency will fill hundreds of vacant front-line positions in 2022 and seeks to do so again next year.

It's critical for employers to understand their obligations under EEOC-enforced regulations as well as how to handle an investigation. Being prepared with relevant documentation and other information can help reduce an EEOC investigation's potential disruption.

Conclusion

EEOC investigations are essential for maintaining equitable working environments. In 2023, employers may see increased enforcement as the agency continues to expand its workforce and efforts to reduce workplace discrimination.

Reach out to Cowden Associates, Inc. to learn more about your potential EEOC obligations, including what to expect from an investigation.