

Mandatory Updates to Federal FLSA and EEOC Workplace Posters: What Employers Need to Know

Updated June 19, 2023

On June 14, 2023, the Equal Employment Opportunity Commission (EEOC) released a mandatory update to the federal "Know Your Rights" poster, incorporating new anti-discrimination regulations under the Pregnant Workers Fairness Act (PWFA).

This mandatory federal posting change comes on the heels of a mandatory revision to the Fair Labor Standards Act (FLSA) poster, issued on May 4, 2023.

Who Is Affected?

The mandatory update to the EEOC "Know Your Rights" posting affects most U.S. employers with 15 or more employees. Affected employers must display the updated version no later than June 27, 2023.

The update to the FLSA posting impacts nearly every U.S. employer with at least one employee. All employers subject to the FLSA must display the new poster immediately.

What Changed on the EEOC Poster?

The EEOC poster updates include the following language about employee rights under the PWFA:

- Employers may not discriminate against employees based on pregnancy, childbirth or related medical conditions.
- Failure to provide reasonable accommodations for these conditions (unless it would cause undue hardship for the employer) can be considered discriminatory.

The updated posting also addresses prohibited discriminatory conduct such as threats, coercion, intimidation and interfering with employees exercising their rights.

What Changed on the FLSA Poster?

The revised FLSA poster reflects recent amendments regarding break times for nursing employees under the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act. The new text reads:

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

Why These Changes Matter

Employers who do not display the most up-to-date postings are at risk of costly government fines. Failure to post can also be considered a sign of bad faith in a legal dispute because the employer did not properly inform employees of their rights. In some instances, it can even extend the statute of limitations, giving employees more time to file a lawsuit.

Additional State Changes

This map shows which states have had mandatory state changes in 2023 (beyond the federal posting updates covered here). Employers in these states must also update their state postings if they haven't done so already.

