

# EEOC Issues New National Enforcement Plan with Significant Shift in Focus

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On June 4, 2026, the Equal Employment Opportunity Commission ("EEOC") rescinded its prior Strategic Enforcement Plan and issued a [new National Enforcement Plan](#) (the "Plan") covering fiscal years 2025 through 2029. The new plan reflects a meaningful shift in enforcement priorities that employers should be watching closely.

At a high level, the EEOC is placing renewed emphasis on intentional discrimination claims. The agency states that it will prioritize disparate treatment cases, including pattern or practice claims, and will move away from pursuing disparate impact theories to the maximum extent possible. In practical terms, this means more focus on whether employment decisions are intentionally based on protected characteristics rather than whether neutral policies have unintended statistical effects.

The most immediate impact for employers is in the area of Diversity, Equity, and Inclusion ("DEI") and similar workplace initiatives. The EEOC makes clear that it will closely scrutinize policies and programs that explicitly consider race, sex, or other protected characteristics in employment decisions.

**The Plan provides useful insight into the types of practices that may draw attention, including:**

- Diverse slate requirements or mandates that require a certain number or percentage of candidates in a hiring pool to be from specific demographic groups
- Requirements that interview panels or decision makers be selected based on race or sex
- Use of race or sex as a factor in hiring, promotion, layoffs, or compensation decisions, even where described as an aspirational goal
- Diversity statements or scoring criteria that reward or penalize candidates based on views or characteristics tied to protected classes
- Bonuses, compensation incentives, or performance metrics tied to demographic outcomes or representation goals
- Limits on access to training programs, mentorship, leadership development, or internships based on protected characteristics
- Separate employee programs, affinity opportunities, or workplace benefits that are restricted to certain demographic groups

**The EEOC also points to more traditional risk areas that remain active enforcement priorities:**

- Overt or facially discriminatory job postings or recruiting practices
- Steering or channeling employees into roles based on protected characteristics
- Systemic harassment or company-wide practices that deny accommodations
- Retaliation claims, particularly those tied to participation in EEOC processes

The agency further signals that it will use enforcement to shape the law in several developing areas, including religious accommodation, the scope of Title VII following recent Supreme Court decisions, and the boundaries of workplace policies relating to sex-based distinctions.

**For employers, a few practical takeaways stand out:**

- First, take a hard look at any policy or program that explicitly references race, sex, or other protected characteristics. Even well-intentioned initiatives may create risk if they influence employment decisions.
- Second, review hiring and promotion processes for embedded requirements or expectations that could be viewed as steering outcomes, including diverse slate expectations, panel composition rules, or compensation incentives tied to representation.
- Third, focus on consistency and documentation. Employers should be prepared to demonstrate that employment decisions are based on legitimate, job-related criteria and not protected characteristics.
- Fourth, do not lose sight of traditional exposure areas. Retaliation, harassment, and accommodation issues remain central to the EEOCs enforcement agenda.

We recommend that employers revisit DEI-related initiatives, hiring practices, and compensation structures now, rather than waiting for an investigation or charge to surface. A proactive review will better position organizations under this new enforcement framework.

If you would like assistance reviewing specific programs, please reach out to [Jennifer Craighead Carey](#) or any member of Barley Snyder's [Employment Practice Group](#)

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