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The EEOC's New Five-Year Plan: What It Means for Employers (and their Lawyers)

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On June 4, 2026, the Equal Employment Opportunity Commission (EEOC) [announced](#) that it approved a new, retroactive [National Enforcement Plan](#) (NEP) for fiscal years 2025–2029. Signed by Chair Andrea Lucas and effective upon approval, the new NEP formally rescinded the agency's previous [Strategic Enforcement Plan](#) (SEP) that had been approved for 2024–2028.

In comparing the new NEP to the now-obsolete SEP, there are no surprises for those familiar with Chair Lucas, who has frequently discussed her views since joining the commission. The NEP officially sets out the new direction that the EEOC has taken with Chair Lucas at its helm, reflecting a fundamental shift in the agency's priorities and interpretations of anti-discrimination laws.

A Different Direction and a New Style

The NEP reflects a philosophical shift away from bipartisanship, stating that the EEOC “reaffirms” its function as an executive-branch agency that will use its enforcement discretion to advance policy objectives and comply with relevant executive orders. In keeping with this view of the agency as a means for shaping national policy, the NEP adopts a centralized “nationwide enforcement model.” This model moves resources and power away from distributed, locally responsive enforcement units to the EEOC's headquarters. To ensure that priority issues are addressed, the agency may reassign matters between districts, assign a priority matter to multiple districts, and deploy headquarters personnel to field matters.

The NEP also implies that that particular authority is vested in the EEOC chair by including a new section delineating “Chair Priorities,” which has not been a component of any recent enforcement plans. Those chair priorities are: (1) remedying “DEI-related” race and sex discrimination; (2) protecting American workers from anti-American national-origin

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discrimination; (3) defending single-sex spaces at work and the right to express the binary nature of sex; and (4) protecting workers' religious-liberty rights.

What's In, What's Out

The NEP also commits the EEOC to focusing on these and related issues that Chair Lucas has emphasized throughout her tenure in the EEOC's top role. Regarding enforcement of Executive Order 14281, the NEP expressly states that the EEOC:

- will NOT pursue claims under a theory of disparate impact;
- will eliminate the use of disparate-impact liability theories in investigations "to the maximum degree possible;" and
- will not commence, develop, or continue litigation advancing disparate-impact claims.

Gone are detailed plans to protect the wide array of vulnerable classes discussed in the previous plan. The previous SEP had discussed 12 categories of workers (including immigrants, people with mental-health disabilities, individuals with arrest records, LGBTQI+ individuals, older workers, Native Americans/Alaskans, and survivors of gender-based violence). The NEP narrows the list of "vulnerable workers" to just five categories:

1. teenage workers
2. persons with limited literacy or education
3. individuals employed in low-wage jobs
4. survivors of sexual assault
5. workers with developmental or intellectual disabilities

Equal pay and harassment are no longer top priorities and receive far less attention in the NEP. Concerns about technology-related discrimination, including the use of artificial intelligence in hiring, have also been deemphasized, though not eliminated (consistent with Executive Order 14365).

Rather, the NEP prioritizes combatting intentional discrimination (disparate-treatment theories). The substantive enforcement priorities listed include:

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- combatting discrimination arising from diversity, equity and inclusion (DEI) “or similar euphemisms”;
- developing caselaw and regulatory framework by prioritizing claims that seek to apply recent Supreme Court rulings (including *Ames v. Ohio Department of Youth Services*, *Muldrow v. St. Louis*, *Students for Fair Admissions v. Harvard*, *Groff v. DeJoy*, and *Bostock v. Clayton County*);
- defining the scope of liability under the Pregnant Workers Fairness Act, under which the inclusion of abortion-related care has generated controversy and legal action;
- protecting vulnerable workers, as now more narrowly defined (see above);
- asserting the agency's enforcement process through such actions as commencing retaliation claims and litigation to enforce subpoenas; and
- addressing religious-liberty issues through an amicus program, signaling an intent to partner with ideological activist groups.

What Employers and Their Lawyers Can Expect

Under prior Republican administrations, employers often expected agencies such as the EEOC to scale back enforcement. The NEP points to a different shift: Enforcement may decline somewhat in volume, but the more significant change is likely to be in the types of matters the EEOC pursues. Under Chair Lucas, the EEOC has actively sought charges involving DEI and national-origin discrimination, while dropping disparate-impact claims and deemphasizing LGBTQ rights and other vulnerable communities. As a result, workplace policies and practices that had become common may now warrant renewed review.

Employers who become the subject of an investigation—especially where it involves one of the key priorities—should be ready for detailed requests for information and prepared to defend a decision to withhold responses at court. Moreover, those requests and other aspects of an investigation may no longer be coming from a familiar regional office. With the NEP’s new centralized approach, an employer in Maine could, theoretically, end up with a matter handled out of Miami or Memphis.

Little is certain but this: The old rules may not matter for the next few years.