

Equal Remedies Act of 2026

Led by House Subcommittee on Early Childhood, Elementary, and Secondary Ranking Member Suzanne Bonamici (D-OR-01), House Education and Workforce Committee Ranking Member Robert C. “Bobby” Scott (D-VA-03), and Senator Edward J. Markey (D-MA)

The Problem

Workers who prevail in employment discrimination cases cannot receive a jury’s full award for the harm they suffer because of an outdated provision in a 1991 law that caps damage awards.

[Title VII of the Civil Rights Act of 1964](#) prohibits discrimination in employment based on race, color, religion, gender, or national origin. [Title I of the Americans with Disabilities Act](#) prohibits employment discrimination based on disability and provides the same remedies as those available under Title VII. When a jury finds that an employer violated an employment anti-discrimination law, it awards compensatory and punitive damages based on the facts of the case, but the court's ability to award damages to the worker is limited. The judge is also forced to dramatically reduce awards to no more than the maximum allowed based on the number of employees.

An employer with up to 100 employees that discriminates against an employee will only be on the hook for up to \$50,000 in damages, and the liability of an employer with more than 500 employees can only be forced to pay up to \$300,000, no matter how egregious the discrimination or how profitable the company is. These limits have remained unchanged since 1991, effectively meaning that employment discrimination has become cheaper every year for more than 3 decades.

Another federal law, [Section 1981](#), prohibits discrimination on the basis of race, color, and ethnicity when making and enforcing contracts, including employment contracts. However, under Section 1981, there are no limits on the amount of punitive and compensatory damages. Since Title VII claims and Section 1981 claims can be brought together, claimants who were discriminated against on the basis of race can receive punitive and compensatory damages in excess of the Title VII caps, but victims of gender, disability, or national origin discrimination cannot.

Finally, the [Age Discrimination in Employment Act](#) (ADEA) does not use the Title VII framework as other civil rights statutes do. Instead, it gives plaintiffs access to the remedies available under the Fair Labor Standards Act, which governs employers' wage payments. The ADEA allows victims of age discrimination to recover only for monetary losses, which may be doubled if the plaintiff proves “willful” discrimination.

The Solution

The Equal Remedies Act of 2026 amends the ADEA so that victims of age discrimination are entitled to the remedies available under Title VII. It also eliminates the limits on punitive and compensatory damages under Title VII, so that victims of all types of discrimination can receive the full awards juries have found they are entitled to for egregious and harmful employer discrimination.

The Equal Remedies Act is common-sense legislation that would deter employers from discriminating against applicants and employees on the basis of race, color, religion, gender, national origin, disability, or age, and punish employers if they do.