

# EEOC: Retaliation Tops Discrimination Charges Filed in Fiscal Year 2017

February 12, 2018

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Retaliation was the most common workplace discrimination charge received by the U.S. Equal Employment Opportunity Commission in fiscal year (FY) 2017, according to the agency. (The fiscal year runs from October 1 to September 30.) Retaliation has been at the top since FY 2010.

A total of 84,254 charges were filed with the agency nationwide in FY 2017. Retaliation claims accounted for 48.8% of all charges.

The following is a complete breakdown of claims (some charges alleged multiple bases):

- Retaliation: 41,097 (48.8%)
- Race: 28,528 (33.9%)
- Disability: 26,838 (31.9%)
- Sex: 25,605 (30.4%)
- Age: 18,376 (21.8%)
- National Origin: 8,299 (9.8%)
- Religion: 3,436 (4.1%)
- Color: 3,240 (3.8%)
- Equal Pay Act: 996 (1.2%)
- Genetic Information: 206 (0.2%)

The EEOC recovered \$398 million for discrimination complainants in FY 2017, which was less than the \$482 million recovered by the EEOC in 2016. It received 6,696 sexual harassment charges and obtained \$46.3 million in monetary benefits for sexual harassment complainants.

Further, according to EEOC data, the agency received 1,762 LGBT-based sexual discrimination charges and resolved 2,016 such charges in FY 2017. The agency has recovered a total of \$16.1 million for LGBT individuals since beginning to collect LGBT charge data in FY 2013.

## Reducing Workload

The agency resolved 99,109 charges in FY 2017 and reduced its charge workload by 16.2%, to 61,621. This is the agency's lowest level of inventory in a decade. New strategies to prioritize charges with merit, resolve investigations more quickly, and improve its digital systems are credited for the reduction.

## Litigation

In FY 2017, the EEOC filed 184 merits lawsuits alleging discrimination. This was a significant increase from FY 2016, when the EEOC filed only 86 merits lawsuits. The 184 lawsuits filed included 124 individual suits, 30 suits involving multiple victims or discriminatory policies, and 30 systemic discrimination cases. At the end of the fiscal year, the agency had 242 cases on its active docket.

## Received a Charge?

An employer is informed that a charge of discrimination has been filed against it when it receives a “Notice of a Charge of Discrimination” from the EEOC. The Notice may ask the employer to respond to the charge. Employers should consult with counsel to determine how best to respond.

To reduce the chances of receiving a charge, employers should be training management and human resource personnel on how to receive and address internal discrimination complaints. In addition, company policies and procedures regarding complaints should be drafted clearly and followed uniformly. These measures, if timely and effectively implemented, can mitigate the frequency of discrimination charges.

Please contact your Jackson Lewis attorney if you have any questions.

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