

## **Discrimination Claims Reach Record Highs**

by Brian Mahany

Claims of employment discrimination reached record numbers in 2008 and 2009 and are on track for another record year according to the Equal Employment Opportunity Commission. Last year 93,000 people filed discrimination claims with the EEOC and tens of thousands more with local and state agencies, including the Wisconsin Equal Rights Division. Why are claims at record numbers?

The economic downturn, which began in December 2007, has made finding – and keeping – a job much more difficult. Workers that lose their job because of their race or gender or age have little to lose in filing a claim. People that are denied jobs are also filing more claims, particularly when a lesser-qualified applicant was selected.

While claims are up in nearly every sector, the largest increases have come from pregnant workers and those over 40. Older workers are often stereotyped as costing more money and less adaptable to change. Most managers and employers know that sexually demeaning remarks are never acceptable in the work place but calling an older worker “grandma” or referring to a co-worker as an “old bag” still occurs routinely.

Who does the law protect in Wisconsin? Wisconsin state law and federal law protects workers who are fired, terminated, disciplined, passed over for promotion or not hired on the basis of their age (over 40), ancestry, skin color, disability, national origin, pregnancy, race, gender and sexual orientation. Wisconsin’s state law is actually broader than the federal law and protects more workers. There are additional protections for certain other groups including people not hired because of their arrest or conviction record.

Under both state and federal law, retaliating against an employee who makes a claim or opposes discrimination in the workplace is against the law and vigorously prosecuted by the courts and agencies.

Employers who break the equal employment laws face large fines. In addition, workers can get their job back or receive monetary damages and legal fees.

What does 2010 look like? Unfortunately, claims are still be filed at near record levels and probably will not subsidize until the economy stabilizes.

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Mahany & Ertl, LLC is a Milwaukee, Wisconsin based law firm that helps victims of discrimination and sexual harassment. We represent workers before the EEOC, Wisconsin Equal Rights Division, state courts and federal courts. Our discrimination lawyers can help

people who were wrongfully terminated, denied a job or denied a promotion. In most cases, there is no fee unless we win your case.

For a no obligation review of your case, please call attorney Brian Mahany today at (414) 704-6731 or by email at [brian@mahanyertl.com](mailto:brian@mahanyertl.com)

Our firm handles select discrimination cases in other states and also represents victims of fraud and legal malpractice.