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Employers Should Update Their Discrimination Policies in Light of the EEOC's Increased Awards for Discrimination Victims in 2011

December 16, 2011 by Kathryn Dugan

Overall, 2011 was a record breaking year for the EEOC. During the 2011 fiscal year, the Equal Employment Opportunity Commission (“EEOC”) won a record-breaking \$365 million for discrimination victims. In addition, the EEOC’s private sector mediation program obtained more than \$170 million in monetary benefits for employees.

It was also a productive year for the EEOC in terms of reducing its backlog. For example, in fiscal year 2011, 99,947 charges of discrimination were filed with the EEOC. However, as of September 20, 2011 there were only 78,136 pending charges – a decrease in ten percent over the last year. This reduction was due to the EEOC following through on its pronouncement to make the reduction of its backlog a priority.

EEOC enforcement was also up. In 2011 the EEOC reported that at the end of the fiscal year, there were 580 systematic investigations under way, which was up from 485 investigations the previous year. In addition, EEOC field legal units filed 261 lawsuits – 23 of which involved systematic allegations affecting large numbers of people; 61 involved between two and 19 alleged victims; and 177 were individual lawsuits.

Based on the increased activity by the EEOC, employers need to review and revise, if necessary, their discrimination and harassment policies to ensure they are up-to-date. With the EEOC being aggressive in its pursuits to dispose of cases as well as the increased success in obtaining awards for discrimination victims, employers must protect themselves against these types of claims.

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