



## Legal Alert: EEOC Reports Record Number of Discrimination Charges

1/26/2012

**Executive Summary:** According to information released by the Equal Employment Opportunity Commission (EEOC), in 2011 the agency received a record number of discrimination charges and obtained a record amount of relief for discrimination claimants.

In a press release issued January 25, 2012, the agency stated that it received 99,947 discrimination charges against private sector employers in FY 2011 (which ended September 30, 2011). This is up slightly from the 99,922 it received in 2010. Charges alleging retaliation under all of the statutes the EEOC enforces accounted for the highest overall percentage of private sector complaints received (37.4%), followed closely by race discrimination complaints (35.4%). Claims of religious discrimination, while not as numerous as retaliation and race discrimination claims, increased by a little over 9%, which was the highest percentage of increase of any of the charge categories.

In addition to the record number of charges received, the agency also reported that it obtained a record \$455.6 million in relief for private sector, state, and local employees and applicants, a more than \$51 million increase from the past fiscal year. ADA charges produced the highest amount of monetary relief among all of the statutes. According to the EEOC, the administrative relief obtained for disability discrimination charges increased by almost 35.9% to \$103.4 million compared to \$76.1 million in the previous fiscal year.

### Employers' Bottom Line:

The increase in discrimination charges may reflect the public's increased awareness of discrimination laws as well as increasingly aggressive enforcement efforts by the EEOC. Additionally, the weak economy may have contributed to this increase. The EEOC's draft Strategic Plan for 2012-2016 notes that during difficult economic times, the agency may see an increase in overall charges as more people are laid off. With fewer jobs available, these people may be more likely to file discrimination claims instead of moving on to another job, as they might be able to do in a stronger economy.

Accordingly, it is more important than ever for employers to be aware of their obligations under employment discrimination laws, especially reasonable accommodation obligations under the ADA. It is also essential to ensure that any adverse employment actions are based on legitimate business reasons and that these reasons can be verified through proper

documentation.

If you have any questions regarding this Alert or other labor or employment related issues, please contact the Ford & Harrison attorney with whom you usually work.