

Discrimination Charges Continue to Climb

The Equal Employment Opportunity Commission (EEOC) has reported that more charges of discrimination were filed with the agency in fiscal year 2011 (ending in September 2011) than at any time in its 46 year history. The number of charges reached nearly 100,000 (99,947), with 2011 continuing a trend upward over the last three years in the number of charges filed. Administrative enforcement activity by EEOC resulted in recovery from employers of over \$364 million in monetary benefits for workplace discrimination victims.

For the second straight year, retaliation charges were more numerous than any other type (36,344), followed by race discrimination charges (35,395). Next on the list of most frequently filed claims were those based on sex discrimination (28,534), disability discrimination (25,742), and age discrimination (23,465). Sex claims dropped off slightly in number from the previous year, while both disability and age claims experienced a modest increase.

The part of the EEOC annual report causing perhaps the most concern to employers was the data indicating that the EEOC is beginning to focus on attacking discrimination practices involving multiple victims. "Systemic" cases - those alleging a pattern or widespread practice of discriminatory conduct by an employer and in which there may be 20 or more victims - are occupying more of EEOC's attention. Forty percent of its investigations into charges of systemic discrimination resulted in a finding that reasonable cause existed to believe the charges were well founded, as compared with a five percent "reasonable cause" finding rate for EEOC charges generally. Moreover, of the 261 lawsuits filed last year by the EEOC on its own (as contrasted with a lawsuit filed by the individual victim(s)), 23 of those were systemic cases. In the remaining lawsuits, 84 involved multiple victims (but less than 20). Consistent with this new emphasis, the EEOC in its recently proposed Strategic Plan stated that it intended to make systemic discrimination a priority in its enforcement program.

While UAHuntsville has averaged 1-2 EEOC claims per year for some time, no charges were filed last year and none have been filed thus far during 2012.