

EEOC Using Mediation to Reduce Case Backlog

The Equal Employment Opportunity Commission (EEOC) has experienced dramatic backlogs of pending charges over the years. In 1977, the backlog reached an all-time high of 130,000 cases pending. Recently, the EEOC announced that the backlog had been reduced to 29,890 cases. A significant portion of this reduction is attributable to an increased use of mediation. During FY 2001, 7,800 of the 94,590 cases resolved were resolved through voluntary mediation. This was a new record for the number of cases resolved through mediation during a fiscal year.

Since its beginning in 1999, the EEOC's voluntary mediation program has resolved some 25,000 cases. The EEOC does not judge all cases to be appropriate for mediation. For instance, cases involving important pattern or practice/system issues or other policy concerns are not eligible for mediation, nor are cases where it is highly likely that the complaint will be found to be valid.

Under EEOC policy, the mediation process is a neutral one that is designed to encourage discussion of the issues, clarification of misunderstandings, determining areas of agreement, and learning more about the other's interests and concerns. Confidential information revealed during the mediation cannot be released to an EEOC investigator.

Mediation has proved to be especially appropriate for cases where the parties anticipate continuing the employment relationship after resolution of the complaint.