

## 2015: EEOC Charges Rebound

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The [EEOC charge filing statistics for 2015](#) are out. Last year at this time, we were looking at the trend of charges continuing to drop from their peak in 2010 and were hoping the trend would continue. Unfortunately, the drop in the overall number of charges stopped and troublingly is going back up: [Graph 1](#) As you can see, the chart tracks the number of filed EEOC charges going back to the late 1990s. For the most part, the number of charges ebbs and flows with the overall economy – when a recession hits, the number of charges increase; when the economy improves, charges go down. This is evident with the spike in 2001-2003 which encompasses the dot com recession and also the sharp increase in filings in 2007-2008 with the most recent recession. Over the last few years, the number of charges has declined, beginning in 2011 and continuing through 2014. This provided some encouragement that the number would continue to drop and revert back to the “norm” of charge filings seen in the late 1990s and early 2000s. However, last year, the number leveled off and *increased slightly* from 88,778 in 2014 to 89,385 in 2015. What this means long term remains to be seen; however, employers may have to live with the grim reality of 85,000+ charges a year as the new normal. In contrast to the overall number of charges, there has been no significant change in the trends of the specific types of charges that have been filed. The chart below highlights some commonly litigated claims, including race, age, sex, disability and retaliation. Retaliation continues to be the most frequently filed charge and the numbers of these charges are continuing to rise every year. The numbers of race and age charges continued to go down, whereas the numbers of disability and sex discrimination claims both rose slightly from the year before: [Graph 2](#) The [EEOC’s press release](#), which accompanied the [annual statistics](#), noted that “harassment” claims were listed on 28,000 charges last year. That number exceeds the amount of sex, disability and age discrimination charges filed last year. Accordingly, while employers obviously must remain vigilant with respect to preventing all forms of discrimination in the workplace, they should be particularly careful with respect to addressing and curbing harassment and retaliation. At a minimum, employers should ensure mechanisms are in place for employees to report not only discrimination, but also harassment *and* retaliation claims, and that they take appropriate steps to follow through on any such complaints.

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