

EEOC Charges Drop In 2013, But Wait, There's More!

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**Hannesson
Murphy**
Partner

The EEOC has disclosed the number of charges filed last year and the overall trend for employers is positive. For the third year in a row, the number of charges dropped – to 93,727 down from 99,412 in 2012 and the record high of 99,947 in 2011. The chart below illustrates the drop and puts the numbers into perspective back to 1997.



As illustrated, the good news is that the number of charges are down; the bad news is that the number of charges essentially has dropped back to 2009 levels. There still is a long way to go to revert back to the approximately 80,000 a year pattern of the 1990's and early 2000's. Nevertheless, the numbers of private charges finally are heading in the right direction for employers.

Drilling down to the specific types of charges, the numbers show that the trends of the last few years are holding steady. The chart below highlights

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some commonly litigated claims. Retaliation remains the most frequent charge, and the numbers of retaliation charges still are increasing year to year. Sex and age claims appear to be heading downward – but not dramatically; while race and disability claims appear to be leveling off.



Not shown on this chart are GINA based claims – which was the subject of a recent blog post in this space. There were just over 300 GINA claims last year-- not a significant rise from previous years and still paltry when compared to the tens of thousands of claims filed based on age, disability and other factors.

Before we get too excited about these trends, however, the EEOC reminds us that it still is on the warpath. The EEOC's Report Card for 2013 highlights that it obtained a record \$372.1 million in monetary relief for "victims of private sector workplace discrimination." Moreover, the EEOC itself filed 131 lawsuits in 2013 (an increase from the amount it filed in 2012) and launched 300 investigations of what it believes are cases of "systemic discrimination."

While employers should be encouraged by current trends, this is no time to let down their guard: EEOC charges remain well above the levels of the mid-1990's or mid-2000's, retaliation claims are on the rise, and the EEOC is as active as ever. In short: remain vigilant.