

# What Employers Should Know About the EEOC

An Insider's View



**EIS** EXPERT  
INVESTIGATION  
SOLUTIONS

Presented by  
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# Charge Handling Statistics

| Contains | 2000   | 2010   | 2011   | 2018   | 2019   | 2020   | 2021   | 2022   |
|----------|--------|--------|--------|--------|--------|--------|--------|--------|
| All      | 79,896 | 99,922 | 99,947 | 76,418 | 72,675 | 67,448 | 61,331 | 73,485 |

# Charge Handling Statistics

| Contains                     | 2000   | 2010   | 2011   | 2018   | 2019   | 2020   | 2021   |
|------------------------------|--------|--------|--------|--------|--------|--------|--------|
| <b>Race</b>                  | 28,945 | 35,890 | 35,395 | 24,600 | 23,976 | 22,064 | 20,908 |
|                              | 36.2%  | 35.9%  | 35.4%  | 32.2%  | 33.0%  | 32.7%  | 34.1%  |
| <b>Race &amp; Harassment</b> | 6,643  | 8,563  | 8,776  | 8,533  | 8,682  | 8,291  | 7,755  |
|                              | 8.3%   | 8.6%   | 8.8%   | 11.2%  | 11.9%  | 12.3%  | 12.6%  |
| <b>Sex</b>                   | 25,194 | 29,029 | 28,534 | 24,655 | 23,532 | 21,398 | 18,762 |
|                              | 31.5%  | 29.1%  | 28.5%  | 32.3%  | 32.4%  | 31.7%  | 30.6%  |
| <b>Sex Harassment</b>        | N/A    | 7,944  | 7,809  | 7,609  | 7,514  | 6,587  | 5,581  |
|                              | N/A    | 8.0%   | 7.8%   | 10.0%  | 10.3%  | 9.8%   | 9.1%   |
| <b>Retaliation (All)</b>     | 21,613 | 36,258 | 37,334 | 39,469 | 39,110 | 37,632 | 34,332 |
|                              | 27.1%  | 36.3%  | 37.4%  | 51.6%  | 53.8%  | 55.8%  | 56.0%  |
| <b>Disability</b>            | 15,864 | 25,165 | 25,742 | 24,605 | 24,238 | 24,324 | 22,843 |
|                              | 19.9%  | 25.2%  | 25.8%  | 32.2%  | 33.4%  | 36.1%  | 37.2%  |
| <b>Age</b>                   | 16,008 | 23,264 | 23,465 | 16,911 | 15,573 | 14,183 | 12,965 |
|                              | 20.0%  | 23.3%  | 23.5%  | 22.1%  | 21.4%  | 21%    | 21.1%  |
| <b>National Origin</b>       | 7,792  | 11,304 | 11,833 | 7,106  | 7,009  | 6,377  | 6,213  |
|                              | 9.8%   | 11.3%  | 11.8%  | 9.3%   | 9.6%   | 9.5%   | 10.1%  |

# What charges receive priority attention at the EEOC?

- Political Interests
- Social Trends
- Charging Party's Strong Initial Evidence

# What early signs can an employer use to identify if a charge is receiving priority attention?

- No response requested?
- Invitation to mediate?
- No mediation invitation?

# How can an employer turn down the heat on a EEOC investigation?

- Policies
  - Strong
  - Widely Disseminated
- Internal Investigation
  - Reasoned
  - Preservation of Evidence
  - Appropriate Investigator
  - Written Confirmation of No Retaliation
- Cooperation

# What are the biggest mistakes an employer can make in responding to an EEOC investigation?

- Failure to Respond
- Personal Attacks
- Emotional Response
- Poor Interaction with Investigator

**THANK YOU**

**EIS**

No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.



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