

EEOC Update

Commissioner Jenny Yang

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EEOC's Work in 2013

- Nearly 94,000 charges received
- 97,000 charges of discrimination resolved
- 11,000 mediations, with over 8,000 mediated resolutions
- Obtained a record \$372 million in monetary relief for victims of private sector workplace discrimination
- EEOC educational, training and outreach events reached hundreds of thousands of individuals

EEOC Litigation in 2013

- Filed 131 lawsuits
- Resolved 209 lawsuits
- 23% of the cases on the Commission's docket involve challenges to systemic discrimination

Strategic Enforcement Plan: 2013-2016

- Eliminating barriers to recruitment and hiring
- Enforcing equal pay laws
- Preventing workplace harassment
- Protecting immigrant, migrant and other vulnerable workers
- Addressing emerging and developing issues
- Preserving access to the legal system

Strategic Enforcement Plan Priorities

1. Eliminating Barriers in Recruitment and Hiring.

The EEOC will target class-based recruitment and hiring practices that discriminate against racial, ethnic and religious groups, older workers, women, and people with disabilities.

Question: According to a 2010 survey conducted by the Society of Human Resources Management, what percentage of employers reported that they conducted criminal background checks for all or some of their job candidates?

- A. 92%
- B. 84%
- C. 76%
- D. 68%

Strategic Enforcement Plan Priorities

2. Protecting Immigrant, Migrant and Other Vulnerable Workers.

The EEOC will target disparate pay, job segregation, harassment, trafficking and discriminatory policies affecting vulnerable workers who may be unaware of their rights under the equal employment laws, or reluctant or unable to exercise them.

Question: Since 2000, the number of immigrants living in the U.S. has increased by:

- A. 10%
- B. 20%
- C. 30%
- D. 40%

2012 Guidance on Screening Based on Arrest and Conviction Records

- Employers should not use blanket policies
- Employers should conduct an individualized assessment if a candidate may be excluded on the basis of a background check
- To avoid liability for disparate impact, the policy should be “job related and consistent with business necessity”

Strategic Enforcement Plan Priorities

3. Addressing Emerging and Developing Issues.

The EEOC will target emerging issues in equal employment law, including issues associated with significant events, demographic changes, developing theories, new legislation, judicial decisions and administrative interpretations.

Emerging and Developing Issues

- ADA Issues: Coverage, leave as a reasonable accommodation, undue hardship and direct threat
- Accommodating pregnancy-related conditions under the ADA and PDA
- Coverage of lesbian, gay, bisexual and transgender persons under the Title VII sex discrimination provision

Question: When might a pregnant worker be covered by the ADA?

- A. When she has a pregnancy-related impairment that substantially limits a major life activity
- B. When she has **record** of a substantially limiting impairment relating to her pregnancy
- C. When she is **regarded as** disabled
- D. All of the above

Strategic Enforcement Plan Priorities

4. Enforcing Equal Pay Laws.

The EEOC will target compensation systems and practices that discriminate based on gender.

Question: According to data gathered by the Bureau of Labor Statistics, what industry has the largest gap between men's and women's earnings?

- A. Construction
- B. Manufacturing
- C. Financial activities
- D. Retail

Question: According to data gathered by the Bureau of Labor Statistics, what industry has the smallest gap between men's and women's earnings?

- A. Construction
- B. Education
- C. Retail
- D. Leisure and Hospitality

Strategic Enforcement Plan Priorities

5. Preserving Access to the Legal System.

The EEOC will target policies and practices that discourage or prohibit individuals from exercising their rights under employment discrimination statutes, or that impede the EEOC's investigative or enforcement efforts.

Question: According to a recent Cornell survey, what percentage of Fortune 1000 employers require mandatory arbitration?

- A. 15%
- B. 20%
- C. 25%
- D. 30%

Strategic Enforcement Plan Priorities

6. Preventing Harassment Through Systemic Enforcement and Targeted Outreach.

The EEOC will pursue systemic investigations and litigation and conduct a targeted outreach campaign to deter harassment in the workplace.

Question: What proportion of charges filed with EEOC include a claim of harassment?

- A. 1 out of every 3 charges
- B. 1 out of every 4 charges
- C. 1 out of every 5 charges
- D. 1 out of every 6 charges

Wrap Up and Questions