



Sexual Harassment Charges Increase Once Again, According To EEOC Stats

Insights

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Despite a 10 percent overall drop in the number of charges of employment discrimination, the Equal Employment Opportunity Commission just reported that sexual harassment charges filed with the agency jumped by 13.6 percent from the previous year. The 7,609 sexual harassment charges received in FY clearly demonstrate that the #MeToo movement is in no way slowing down. What do employers need to know about this development?

Sexual Harassment Statistics Once Again Serve As Main Story

The EEOC's annual announcement of enforcement statistics is eagerly awaited by many in the employment community, as the figures shed light on the latest trends and shine a spotlight on the most significant developments in the employment discrimination universe. The FY 2018 data, released on April 10, once again highlight some of the most prevalent activity about which all employers need to be aware. The report is chock full of useful information, but the sexual harassment statistics once again jump off the digital page.

Over the past several years, employers have been confronted with the harsh reality that the increased focus and awareness on claims of sexual harassment were not just having an impact on media headlines and celebrity scandals, but actually leading to an increase in formal legal claims. In some ways, then, it is little surprise that the numbers rose 2018 – although the size of this year's jump is somewhat eye-opening.

The increase to over 7,600 charges received shows that the #MeToo movement is not a trend or passing fad, but a sustained demonstration of the newfound or resurrected attention drawn to the need for respectful behavior in the workplace. As EEOC Acting Chair Victoria Lipnic announced in conjunction with the report, “we cannot look back on last year without noting the significant impact of the #MeToo movement in the number of sexual harassment and retaliation charges filed with the agency.”

The agency also reported that it obtained a record \$56.6 million in settlements and awards for victims of sexual harassment, indicating that the charges being filed with the agency include many with real merit—or, at least include many that employers adjudge to open them up to enough exposure to warrant resolution.

Other Interesting Statistics

There were also a few other items of note in the summary report and the full collection of the detailed statistics. Among the more interesting pieces of information:

Retaliation Charges Lead The Way Once Again...

As noted by Acting Chair Lipnic, retaliation charges remained the most common type of claim brought by individuals, as FY 2018 saw 39,469 such charges filed – accounting for 51.6 percent of all charges filed with the agency. In fact, this past year marked the tenth straight year that retaliation charges led the way in overall charges.

Following retaliation, the most common types of charges involve sex (24,655), disability (24,605), race (24,600), and age (16,911). There were also a fair number of claims filed alleging discrimination involving national origin (7,106), color (3,166), religion (2,859), equal pay (1,066), and genetic information (220).

...But Overall Number Of Charges Dip To 12-Year Low

Despite these trends, the EEOC's statistics also show that only 76,418 charges of workplace discrimination were filed in FY 2018, a more than 10 percent drop from FY 2017 (when 84,254 charges were filed). This figure represents a 12-year low in total charges filed, coming in as the lowest amount since FY 2006. It also represents a 25 percent drop from 2012, when claimants filed over 99,000 charges.

Resolutions Lead To Significant Recovery

The EEOC announced that it resolved 90,558 charges of discrimination in FY 2018, securing \$505 million for private sector, state and local government, and federal workers.

Litigation Function Remains Very Active

The EEOC also said that its legal staff filed 199 merits lawsuits alleging discrimination in the past year, including 117 individual suits, 45 suits involving multiple victims or discriminatory policies, and 37 systemic discrimination cases. The agency said it achieved a successful outcome in over 95 percent of all district court resolutions in the past year, and currently has 302 cases on its active docket.

High Levels Of Interest Demonstrated By Public

The EEOC said that it handled over 519,000 calls to its toll-free number, managed over 34,600 emails, and received more than 200,000 inquiries in field offices. This reflects the significant public demand for the EEOC's services, and highlights just how inquisitive workers are when it comes to the enforcement of federal civil rights laws.

Reduced Backlog

The agency also announced that it had reduced its charge workload by 19.5 percent in FY 2018, lowering that number to 49,607. It said that it achieved this goal by “deploying new strategies to more efficiently prioritize charges with merit, more quickly resolve investigations, and improve the agency’s digital systems.” Because of the agency’s efforts, it now has the lowest inventory of private sector charges in a dozen years.

What Should Employers Do?

In the wake of these statistics, you should be more aware than ever of the importance of a positive workplace culture and the need to eliminate sexual harassment in the workplace. You should review [our firm’s five-point plan](#) for addressing sexual harassment concerns, developed by partners [Jennifer Sandberg](#) and [Joe Shelton](#). It can be accessed [here](#).

We will continue to monitor further developments and provide updates, so you should ensure you are subscribed to [Fisher Phillips’ alert system](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney.

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