Everything you wanted to know about the EEOC!

By: Matthew J Farley
What is the EEOC?

- Stands for **Equal Employment Opportunity Commission**.
- Enforce federal law based on protections of applicants and employees:
  - Laws include *illegality* to discriminate on the basis of:
    - Race.
    - Color.
    - Religion.
    - Gender.
    - National Origin.
    - Age (40 or older).
    - Disability.
    - Genetic Information.
Mission of the EEOC

Eradicate Employment Discrimination at the Workplace
History of the EEOC

- Supported the Civil Rights Act of 1964.
  - “It is time to act in Congress, in your state and local legislative body and, above all, in all of our daily lives.” President Kennedy.
- Although U.S. Constitution stated equal opportunity, it was not being fulfilled.
  - Racial discrimination, segregation, etc. a norm of U.S society.
- Over 250,000 U.S. citizens protest against racial discrimination in Washington, D.C.
- On July 2, 1964 the Civil Rights Act is passed!
- Soon after, EEOC created.
  - “Power is to receive, investigate, and conciliate complaints where it found reasonable cause to believe that discrimination had occurred.”
Where is the EEOC?

- Headquartered in Washington, D.C.
- 53 offices in 15 Districts, which serve every area of the United States.
How Many Employees at the EEOC?

2539
Who works for the EEOC?

- Bipartisan Commission represented by 5 presidentially elected members.
  - Jenny R. Yang, Chair
  - Constance S. Barker, Commissioner
  - Victoria A. Lipnic, Commissioner
  - Charlotte A. Burrows, Commissioner
    - Currently, no Vice Chair. It is vacant.
Who is Covered by EEOC Laws?

Coverage depends on the type of business!

- Private Employers.
- State or Local Government.
- Employment Agencies.
- Labor Unions.
- Joint Apprenticeship Committees.
  - Not independent contractors
EEOC Coverage: Private Employers

- Discrimination based on:
  - Race, Color, Religion, Gender, National Origin, Disability or Genetic Information (Title VII, ADA, GIA, etc.).
    - 15+ employees who have worked at least 20 calendar weeks in this year or last.

- Discrimination based on
  - Age (40 years+).
    - 20+ employees who worked at least 20 calendar weeks in this year or last.
Filing an EEOC Discrimination Claim

- Locate any EEOC office to file a claim
  - Charge is usually investigated in location where discrimination potentially occurred.

- Ensure your claim is within 180 days of incident.
  - But... Federal employees only have 45 days to contact EEOC counselor.
  - Holidays and weekends counted as days (not just business days)

- EEOC decides if they take case.
  - If not you will be given option “The Right to Sue”
Charge Handling Process

- After filing the person will receive a copy of their charge and charge number.
- Within 10 days the employer will be notified of the claim.
- Attempt to mediate.
  - If mediation is agreed by the parties dispute resolution in process.
    - Mediator acts as a problem solver.
    - Does not address who is right or wrong.
    - Goal is a voluntary settlement that prevents a lawsuit.
EEOC Confidentiality

- Information about complaint is **not revealed** to any party until employee files the charge of discrimination.

- The following information is provided in an EEOC claim
  1. Employee Name, Address, Telephone, Date of Birth.
  2. Social Security Number (optional).
  3. Employer Name, Address, Telephone.
  4. Employer’s approximate number of employees.
  5. Date(s) of Harm.
  6. Employer explanation (if available).
  7. Why individual believes the action against him or her was discriminatory.
  8. Names of individuals treated more favorably (if applicable).
EEOC Charges Filed 1997-2014
2015 EEOC Accomplishments

- $525 million for victims of discrimination in private, state and local government, and federal workers.
  - $356.6 million of this amount for victims of employment discrimination
    - Includes mediation, conciliation, and settlements.
- EEOC received 89,385 complaints and resolved 92,641.
- Net Position = 16 Billion.
- 268 investigations resolved before litigation.
- Employers may be unhappy by these numbers.
  - Managers and Supervisors must ensure they are following the Law.
Breakdown of EEOC Cases (%)

- Charge % exceeds 100% due to claims filing multiple classifications of discrimination for one claim.
- In 2014, 30% of EEOC claims involved multiple forms of discrimination.
Most Common EEOC Charge!

- In 2015, EEOC has highest percentage of claims at 42.8%!
EEOC: What is Retaliation?

- It is illegal to:
  - fire, demote, harass, or retaliate against applicants or employees who:
    - filed charge of discrimination.
    - Complained to employer or other covered entity about discrimination.
    - Participated in an employment discrimination proceeding such as an investigation or lawsuit.
Public Policy Issue: Should Sexual Orientation be Covered Under Title VII?

- **EEOC Argument**
  - On July 16, 2015, EEOC states that sexual orientation discrimination is considered gender discrimination.
    - Sexual Orientation is still in debate.
    - EEOC does not make law. Congress does.
    - EEOC claims sexual orientation should be covered because...
    - Relies on gender-based considerations or takes gender into account.
    - Associational with gender.
    - Correlated with gender stereotypes.
  - Congress strongly considering including Sexual Orientation under Title VII.
Gender Discrimination & Retaliation Case

- Bob works at McDonalds and has a Bachelor’s Degree in Management from Fox School of Business. He has worked for the company 5 years longer than any other employee. His total time working there is 7 years. His female manager has a strong bias towards females. She openly admits to being a feminist. Employees at McDonalds all know that she prefers females. She once said “Management is better in female power.”

- The store manager Helga has only promoted females since she took over her store. Bob is the most educated, has perfect attendance, and has been there longer than all the females workers who were promoted over him. Bob was told his performance exceeds expectations in his reviews, but he still is just a cook. Bob informed Helga he desired to work his way up the company to become a team lead.

- Bob is furious. He has devoted 7 years of his life at McDonalds and believes he is being discriminated against. Is he? He files a claim for gender discrimination under Title VII immediately after Sherry is promoted over him. Sherry is the 7th woman in a row to be promoted. She is always late and has had several complaints for cursing at customers.

  Continued on next page
Case continued..

About 15 days after Sherry is promoted, Helga receives a call from her District Manager that there is an EEOC claim against the organization. Helga is working with Bob the day she receives notice of the claim. Helga tells Bob “You are not a team player. By your actions you have demonstrated that you solely prioritize yourself and not the team. Here at McDonalds we are a unit. Filing this claim proves you are not McDonalds material. Give me your hat. You are fired!”

Case Summary

- Gender Discrimination under Title VII.
- McDonalds >= 15 employees and must follow Title VII.
- Bob Follows proper EEOC protocol.
- McDonalds must mediate or risk a lawsuit in court.
Below is a link to a case the EEOC decided to take.

- EEOC sues Abercrombie for violating Title VII of the Civil Rights Act of 1964.
- Information was limited, but assumptions can still be considered discrimination.
- Abercrombie loses and is charged with religious discrimination.
  - Forced to pay $25,670 to plaintiff and $18,983 in court costs.

See how expensive an EEOC case can be!!!

https://www.youtube.com/watch?v=abgiMSz8b9M
## Pros and Cons of the EEOC

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<th>Benefits of the EEOC</th>
<th>Disadvantages of the EEOC</th>
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<td>• Protects employees from discrimination based on Title VII provisions and other federal statutes.</td>
<td>• Employee must file claim with their name and filing anonymous still usually leads back to them.</td>
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<td>• Protects employee from retaliation.</td>
<td>• Employee only has 180 days to file a claim after incident took place.</td>
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<td>• Encourages HR problem resolution in the workplace.</td>
<td>• So many claims are filed through the EEOC and they are handled on prioritization basis. EEOC can’t fight every claim.</td>
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<td>• Informs employees of their rights and enforces the law.</td>
<td>• Employers are very vulnerable to potential lawsuits.</td>
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<td>• Provides citizens of the U.S with an accessible and convenient system for filing discrimination claims against employers.</td>
<td>• Employees can lie and manipulate the law to protect themselves and get their way in the workplace. Ex. Stating unavailability for religious devotion when true reason is to watch football.</td>
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Conclusion: EEOC is NECESSARY!

- The EEOC is a valuable organization because it protects, informs, and fights for employee rights.
- The 15 Districts are provided across the country to ensure reasonable accessibility is provided for filing claims.
- Business is best run through diversity, fair treatment, and respect. The EEOC promotes both legal and ethical behaviors in organizations that prosper the organization at both an economic and social level.
Permission to Use for Future Classes!

- Extensive research from EEOC.gov.
- I hope this slide set and quizlet was enlightening.
- Feel free to use this slide set in future classes.
- The questions are yours as well.
  - Matthew J. Farley
Works Cited

- http://www.eeoc.gov/eeoc/
- All information came from these two sources.