

2016: EEOC Charges Keep Climbing

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Well, it's February already and the EEOC charge filing statistics for 2016 are out. Last year, we were looking at the total number of charges filed against employers beginning to tick up again. One year later, we have a definite trend beginning to build: [eeoc-graphic-1](#) The above chart tracks the number of annual EEOC charges going back 20 years. As you can see, the overall number of charges tends to ebb and flow with the general nature of the economy – when a recession hits, the number of charges increases; when the economy improves, charges go down. This is evident with the spike in 2001-2003 which encompasses the dot com recession and also the sharp increase in filings in 2007-2008 with the most recent recession. Over the last few years, the number of overall charges was declining, ultimately bottoming out in 2014. However, since then, the numbers have begun to creep back up. What this means long term is an open question, but it certainly looks like 90,000 charges a year is the new normal – we don't appear to be going back to the numbers from 10 years ago anytime soon. With respect to the specific types of charges, the trends have not changed dramatically. None of the most commonly litigated claims (race, age, sex, disability and retaliation) are going down and retaliation remains the most frequently filed claim – a position it has occupied unchallenged since 2009: [eeoc-graphic-2](#) The numbers above show that while employers obviously must remain vigilant with respect to preventing all forms of discrimination and harassment in the workplace, they should consider being particularly careful with respect to addressing and curbing retaliation. Employers should consider ensuring they have mechanisms in place to report not only discrimination and harassment, but also retaliation claims, and take appropriate steps to follow through on any such complaints.

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