

HR INSIGHTS

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Top 10 Workplace Discrimination Claims

In 2016, the Equal Employment Opportunity Commission (EEOC) resolved more than 97,443 workplace discrimination claims—securing more than \$482 million from employers in the private and public sectors as a result of these claims. Discrimination lawsuits can be very time-consuming and expensive for employers, and can result in a loss of employee morale or reputation within the community.

Top Causes of Decimation Claims

According to the EEOC, the following are the top 10 reasons for workplace discrimination claims in fiscal year 2016:

1. Retaliation—42,018 (45.9 percent of all charges filed)
2. Race—32,309 (35.3 percent)
3. Disability—28,073 (30.7 percent)
4. Sex—26,934 (29.4 percent)
5. Age—20,857 (22.8 percent)
6. National origin—9,840 (10.8 percent)
7. Religion—3,825 (4.2 percent)
8. Color—3,102 (3.4 percent)
9. Equal Pay Act—1,075 (1.2 percent)
10. Genetic Information Nondiscrimination Act (GINA)—238 (0.3 percent)

These percentages add up to more than 100 percent because some lawsuits were filed alleging multiple reasons for discrimination.

Retaliation Lawsuits

Retaliation lawsuits are brought after an employee alleges an employer has fired, demoted, harassed or otherwise retaliated against him or her for filing a charge of discrimination or assisted with a job discrimination investigation or lawsuit. Retaliation claims are the most frequently filed charge of discrimination.

Retaliation claims are the most frequently filed charge of discrimination—making up more than 45 percent of all charges filed in 2016. The number of retaliation lawsuits may continue to rise in the future due to new regulations proposed by the EEOC.





The number of retaliation lawsuits may continue to rise in the future due to new regulations proposed by the EEOC. On Aug. 29, 2016, the EEOC released a [sub-regulatory document](#) that provides guidance on its view of what constitutes actionable retaliation.

For instance, the document broadens what constitutes a “causal connection” between protected activity and adverse action. It says “protected activity” can occur explicitly or implicitly, and expands the definition of an “adverse action” to include anything that could reasonably deter protected activity, even if the action does not have a tangible effect on an individual’s employment.

What Employers Should Do

Employers should take the following steps to protect themselves from retaliation and other discrimination claims:

- Audit their practices to uncover any problematic situations and practices.
- Create a clear anti-retaliation policy that includes specific examples of what management can and cannot do when disciplining or terminating employees.
- Provide training to management and employees on anti-retaliation and other discrimination policies.
- Implement a user-friendly internal complaint procedure for employees.
- Uphold a standard of workplace civility, which can reduce retaliatory behaviors.

For more information on discrimination claims and for tips on how to protect your business, contact Touchstone Consulting Group today.

