



COMPLIANCE BULLETIN

HIGHLIGHTS

- The EEOC has launched an online portal to assist individuals with discrimination charges.
- The portal allows users to submit inquiries, schedule interviews and track charge statuses online.
- Users may digitally sign and file EEOC-prepared discrimination charges through the system.

IMPORTANT DATES

March 2017

Five cities began using a pilot portal that allowed online contacts with the EEOC regarding discrimination.

November 1, 2017

The EEOC Public Portal, an improved version of the pilot system, became available nationwide.

EEOC Launches Online Portal for Employment Discrimination Charges

OVERVIEW

The Equal Employment Opportunity Commission (EEOC) has launched a new online tool intended to make it easier for employees to initiate employment discrimination claims against their employers.

The [EEOC Public Portal](#), which became available Nov. 1, 2017, allows individuals to obtain EEOC services, file charges against employers and monitor their claims through the internet.

ACTION STEPS

Employers subject to federal anti-discrimination laws should be aware of the new portal because it may increase the likelihood of EEOC charges being filed. The best way for employers to guard against claims is to ensure that their employment policies comply with applicable legal requirements.

Several federal laws prohibit employers from discriminating against individuals based on certain traits, such as race, color, religion, national origin, sex, disability and age. While most EEOC-enforced laws apply only to employers with 15, 20 or more employees, virtually all employers are subject to at least one of the laws, such as the Equal Pay Act.

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Background

Under most of the federal laws enforced by the EEOC, an individual who believes an employer has engaged in unlawful employment discrimination cannot file a lawsuit in court against the employer unless he or she has filed a [charge of discrimination](#) with the EEOC and received a Notice of Right to Sue.

The process for filing a charge with the EEOC typically begins with an initial inquiry, which an individual can make by mail, an in-person visit to an EEOC office or a telephone call to the agency's toll-free number. Following an initial inquiry, the EEOC will interview the individual to determine whether a charge of discrimination would be appropriate to address the alleged discrimination.

In fiscal year 2017, the EEOC responded to over 550,000 calls to its toll-free number and more than 140,600 inquiries in field offices. To handle these contacts more efficiently, the EEOC launched an online inquiry and appointment system (OIAS) in March 2017. The OIAS was only available in five cities and served as a trial run for a nationwide portal allowing online inquiries and interview requests. After gathering feedback from OIAS users, the EEOC made enhancements to the system and, on Nov. 1, 2017, launched it nationally as the [EEOC Public Portal](#).

Federal laws enforced by the EEOC

- *Title VII of the Civil Rights Act (Title VII)*
- *Americans with Disabilities Act (ADA)*
- *Age Discrimination in Employment Act (ADEA)*
- *Genetic Information Nondiscrimination Act (GINA)*
- *Equal Pay Act (EPA)*

Portal Features

In addition to facilitating online inquiries and requests for interviews, the EEOC Public Portal allows users to:

- ✓ Engage in pre-charge interviews and counseling with EEOC agents via web cams and teleconferencing;
- ✓ Input the data required for a charge of discrimination against an employer;
- ✓ Direct the EEOC to prepare a formal charge against an employer; and
- ✓ Review, digitally sign and file a formal charge that has been prepared by the EEOC.

Individuals are not required to use the portal for charge-filing purposes and may still file charges against an employer by mail or at an EEOC field office. Regardless of the filing method, any individual who has filed a formal discrimination charge may use the EEOC Public Portal to:

- ✓ Update contact information;
- ✓ Agree to mediate the charge;
- ✓ Upload documents to the charge file;
- ✓ Receive documents and messages from the EEOC;
- ✓ Check on the status of the charge;
- ✓ Access contact information for the EEOC agent assigned to the charge; and
- ✓ Obtain detailed information about the charge process.

These features are available for newly filed charges and open charges that were filed on or after Jan. 1, 2016.

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Any information a user enters in the EEOC Public Portal is password-protected and not available for viewing by employers or the general public. When a charge is filed against an employer, however, the EEOC will send a notice that directs the employer to a separate online system called the [EEOC Respondent Portal](#). This portal, which the EEOC launched in January 2016, allows employers to view a filed charge, file a response, communicate with the EEOC and upload documents related to the charge.

Online Initial Inquiries

When an individual visits the EEOC Public Portal and selects the first available option (“I want to file a complaint”), the portal displays general information and video tutorials about federal anti-discrimination laws. From there, the user is directed to answer a series of questions designed to screen out claims that do not meet legal requirements. For example, the portal asks about:

- The type and size of the employer, to determine whether federal anti-discrimination laws apply and whether the individual may use the portal to file a charge;
- When and in which state the alleged discrimination occurred, to determine whether the individual meets timeliness requirements for filing a charge; and
- The protected traits upon which the individual alleges the employer discriminated and additional details about the traits and claim, to determine which laws the alleged employment practices may have violated and whether they may actually violate those laws.

Based on the individual’s responses to these questions, the system will indicate either that:

- The EEOC is not the correct agency to assist the individual and that the individual may call or visit an EEOC office for more information; or
- The individual should schedule an interview with the EEOC and that he or she may do so within the portal.

Online Interviews and Charge Filing

An individual who satisfies the EEOC Public Portal’s initial screening questions may schedule and participate in an EEOC interview or counseling through the portal. To do so, the individual must register to submit his or her inquiry by creating a username and password. In general, an EEOC interview serves as an additional level of screening to determine whether an individual may have a valid claim under federal anti-discrimination laws. Prior to the new portal’s launch, the EEOC conducted these interviews in person or by telephone. Other than adding a new means of communication, the EEOC Public Portal does not change the EEOC’s protocols for claimant interviews.

If an individual wishes to file a formal charge after the EEOC’s screening process, he or she may use the EEOC Public Portal to enter the required information about him or herself, the employer and the allegations. However, an EEOC agent must prepare the actual charge before it may be electronically submitted. The portal does not allow individuals to file charges that they have prepared themselves.

More Information

Contact Touchstone Consulting Group or visit the EEOC [website](#) for more information about discrimination charges.