

EEOC Finds That More Than 40% Of EEOC Charges Of Discrimination Contain Retaliation Claims

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Last week, the United States Equal Employment Opportunity Commission (EEOC) released its enforcement litigation data for FY 2014. Continuing a recent trend, the EEOC reported that the percentage of EEOC charges of discrimination containing retaliation claims reached an all-time high of 42.8% in 2014. This is significant because the elements that an employee must establish in a retaliation claim are quite different than the elements in a traditional discrimination or harassment claim. Specifically, an employee does not need to establish that its employer discriminated against or harassed him or her to prevail on a retaliation claim. Rather, the employee only needs to prove that the employer took action against him or her in response to an internal or external complaint of discrimination or harassment that may deter the employee and/or others from lodging similar complaints in the future. Many employers do not sufficiently appreciate that preventing retaliation is - from a risk management perspective - just as important as promptly addressing complaints of discrimination or harassment. Additionally, race discrimination remained the second most common alleged claim in EEOC charges; such claims were included in approximately 35% of all charges filed with the EEOC. The EEOC's press release and data tables can be found [here](#).

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