Harassment and Discrimination Stats & Facts



DID YOU KNOW?

The U.S. Equal Employment Opportunity Commission received 76,418 charges of workplace discrimination in fiscal year 2018, according to just-released figures. That workplace discrimination continues to happen is the bad news. But the good news is the EEOC's discrimination data signals less people are finding reasons to sue their employers.

According to John Maley, a partner at Barnes & Thornburg, the 2018 total EEOC charges of 76,418 continues a downward trend over the last several years. In fact, from 2008 to 2016, the average number of charges was 94,000, he says. In 2017, the total dropped to 84,254, and dropped again last year by a similar amount.

The FY 2018 data show that retaliation continued to be the most frequently filed discrimination charge filed with the agency, followed by sex, disability and race. The agency also received 7,609 sexual harassment charges—a 13.6 percent increase from FY 2017—and obtained $56.6 million in monetary benefits for victims of sexual harassment.

The charge numbers show the following top five reasons alleged, in descending order:

- Retaliation: 39,469 (51.6 percent of all charges filed)
- Sex: 24,655 (32.3 percent)
- Disability: 24,605 (32.2 percent)
- Race: 24,600 (32.2 percent)
- Age: 16,911 (22.1 percent)

Matthew Gagnon, a partner at Seyfarth Shaw, says that the EEOC's FY 2018 enforcement and litigation data's sizeable decrease in the total number of charges filed against employers—the number of charges filed was the lowest in over a decade—is a good sign.

"However, the big news of fiscal year 2018 continues to be the sharp increase in enforcement activity around sexual-harassment issues," he says.

Gagnon notes the EEOC filed 41 lawsuits alleging sexual harassment in FY 2018—a 50 percent increase from FY 2017.

“This shows that, in the #MeToo era, the EEOC has shifted its focus to identifying and remedying workplace harassment issues,” he says. The just-released charge statistics, Gagnon adds, show that this is not just a trend within the EEOC.

“Despite the drop in the total number of charges, the EEOC’s statistics show a sharp increase in the number of charges alleging sexual harassment,” Gagnon explains. He notes that the 7,609 charges alleging sexual harassment in FY 2018 is the highest number of those charges since FY 2011—a year when the EEOC received almost 24,000 more charges overall than it did in FY 2018.

To Gagnon, this trend shows that it is not just the EEOC that is reacting to the #MeToo movement. Employees are also showing a greater awareness of these issues and an increased willingness to file these types of charges than they have for many years.

“The good news is that there are steps employers can take to ameliorate this risk,” he says. Gagnon cites the June 2016 “eye-opening” report of The Select Task Force on the Study of Harassment in the Workplace. Among other things, he says, it identifies certain industries and workplace risk factors that tend to be associated with sexual harassment allegations.

“It also provides some concrete steps and recommendations that HR professionals can take to identify and remedy issues before they escalate to litigation,” Gagnon says.

Maley says there have not been any dramatic changes in the breakdown of claims nationally across topics, such as race and sex. With that, employers need to remain focused on lowering risk.

About four-in-ten working women (42%) in the United States say they have faced discrimination on the job because of their gender. They report a broad array of personal experiences, ranging from earning less than male counterparts for doing the same job to being passed over for important assignments, according to a new analysis of Pew Research Center survey data.

The survey – conducted in the summer before a recent wave of sexual misconduct allegations against prominent men in politics, the media and other industries – found that, among employed adults, women are about twice as likely as men (42% versus 22%) to say they have experienced at least one of eight specific forms of gender discrimination at work.

One of the biggest gender gaps is in the area of income: One-in-four working women (25%) say they have earned less than a man who was doing the same job; one-in-twenty working men (5%) say they have earned less than a female peer.

Women are roughly four times as likely as men to say they have been treated as if they were not competent because of their gender (23% of employed women versus 6% of men), and they are about three times as likely as men to say they have experienced repeated small slights at work because of their gender (16% versus 5%).

There are significant gaps on other items as well. While 15% of working women say they have received less support from senior leaders than a man who was doing the same job, only 7% of working men report having a similar experience. One-in-ten working women say they have been passed over for the most important assignments because of their gender, compared with 5% of men.

The survey, which was conducted July 11-Aug. 10, 2017, with a nationally representative sample of 4,914 adults (including 4,702 who are employed at least part time), also asked about sexual harassment in a separate question. It found that while similar shares of women and men say sexual harassment is at least a small problem in their workplace (36% versus 35%), women are about three times as likely as men to have experienced it personally while at work (22% versus 7%).