

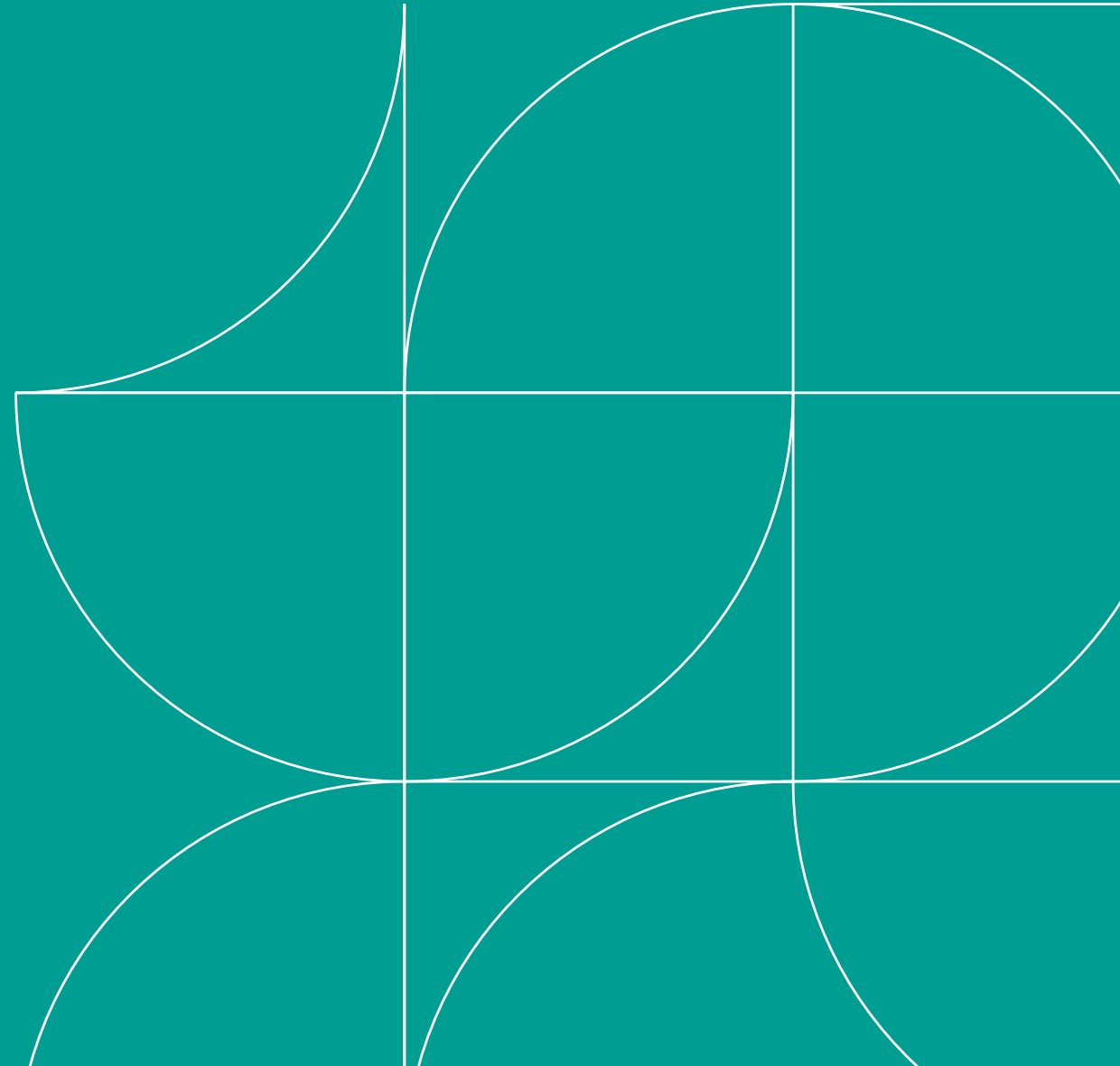


Key Issues For Employers Stemming From 2021 EEOC- Initiated Litigation – What 2022 Is Apt To Bring

April 2022

Seyfarth Shaw LLP

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What We Will Cover

- 01** The EEOC's Lineup
- 02** EEOC Litigation By The Numbers
- 04** EEOC Strategic Enforcement Priorities
- 05** Things To Come In 2022

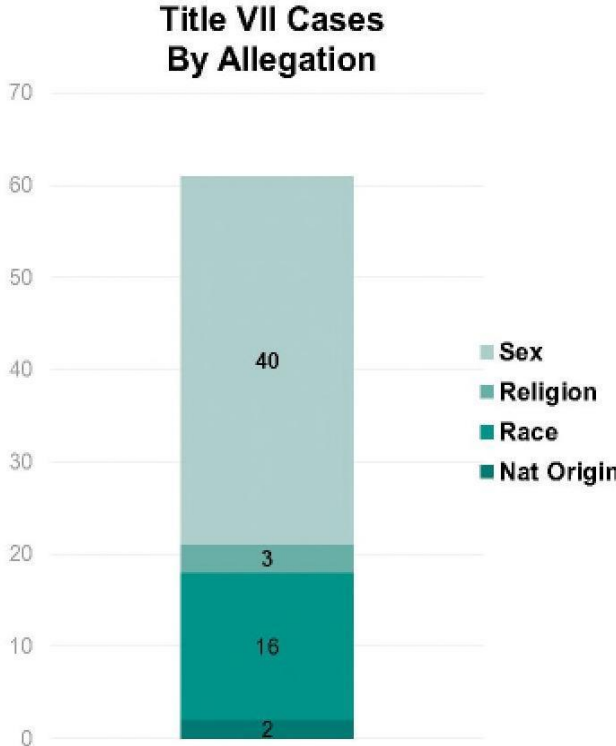
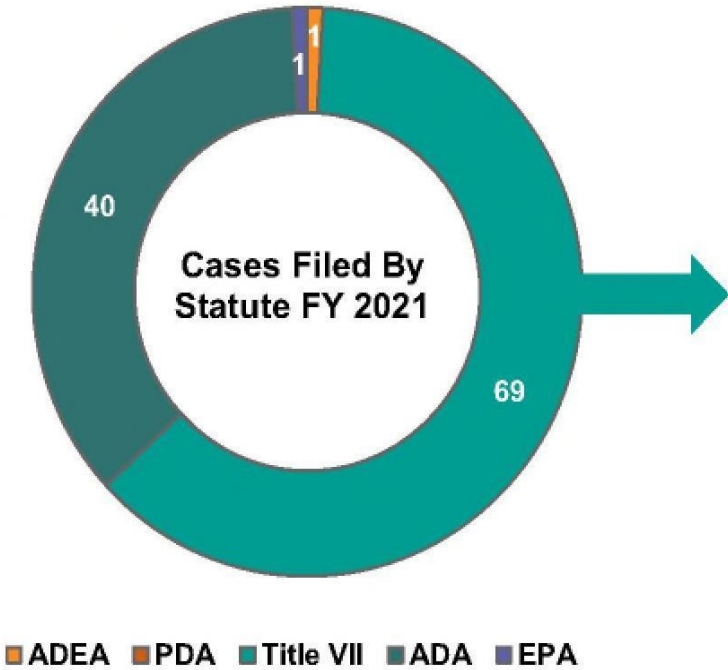
The EEOC's Lineup



- Why does it matter?
 - The Commissioners' new and expanded role
- Current Commissioners and their backgrounds
- The role of the General Counsel

EEOC Litigation By The Numbers

- Latest lawsuit statistics
- Breakdown of claims
- Where the EEOC is filing cases
- Downtick in recoveries for alleged victims



EEOC Strategic Enforcement Priorities

1

Eliminating Barriers In Recruitment and Hiring: The EEOC's focus within this priority is to address discriminatory recruiting and hiring practices which target "racial, ethnic, and religious groups, older workers, women, and people with disabilities." According to the EEOC, addressing this priority typically involves strategic, systemic cases.

2

Protecting Vulnerable Workers: The EEOC's focus within this area is to combat policies and practices directed "against vulnerable workers," including immigrant and migrant workers, as well as persons perceived to be members of these groups, and against members of underserved communities." Each EEOC District tailors its efforts to the local issues affecting individuals within its geographic area.

3

Addressing Selected Emerging And Developing Issues: As the name implies, the EEOC may adapt its focus within this priority on a year-to-year basis in accordance with developing case law.

4

Ensuring Equal Pay Protections For All Workers: While the EEOC's primary focus has been combating discrimination in pay based on sex, the EEOC also addresses pay discrimination based on any protected status, including race, ethnicity, age, and disability.

5

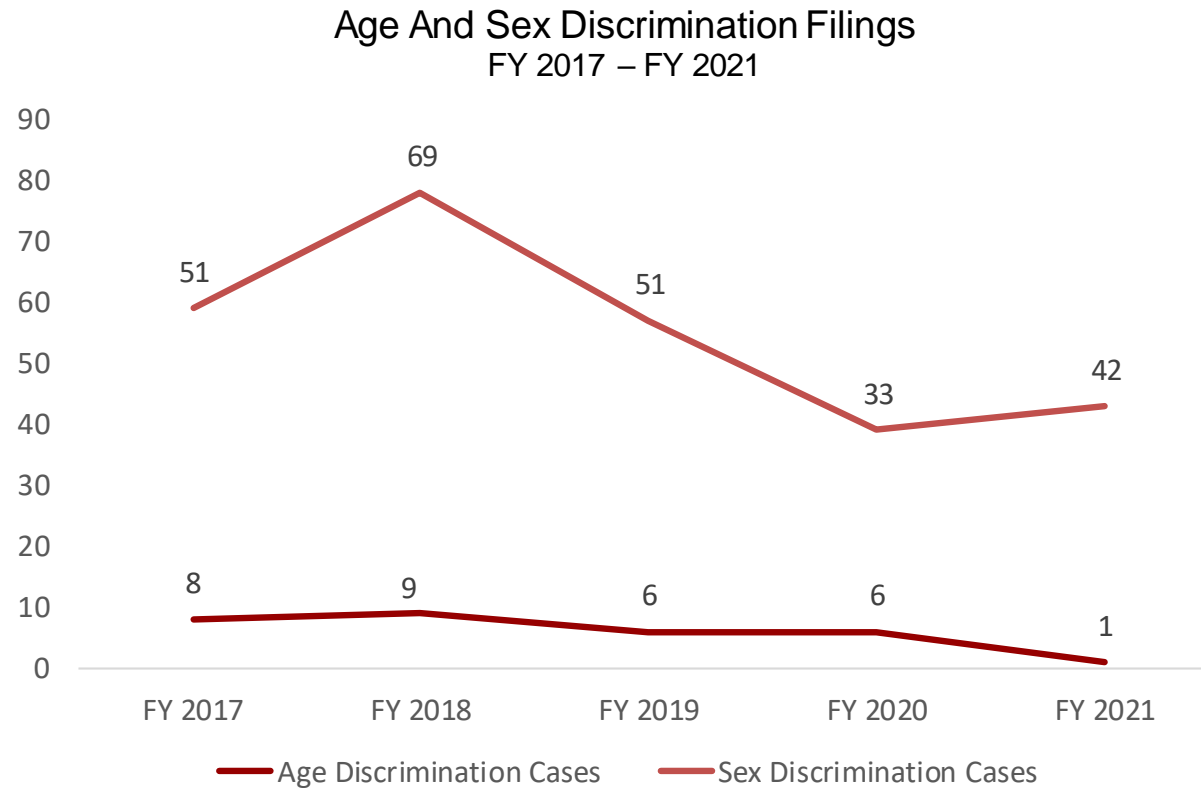
Preserving Access to the Legal System: The focus within this priority is on practices that discourage or prohibit individuals from exercising their rights, including, according to the EEOC, "overly broad waivers, releases, and mandatory arbitration provisions," failure to maintain applicant and employee data, and retaliatory practices that dissuade employees from exercising their rights.

6

Preventing Systemic Harassment: This priority is directed at harassment, most frequently based on sex, race, disability, age, national origin, and religion. According to the EEOC, this strategic priority typically involves systemic cases.

Priority #1 - Eliminating Barriers In Recruitment And Hiring

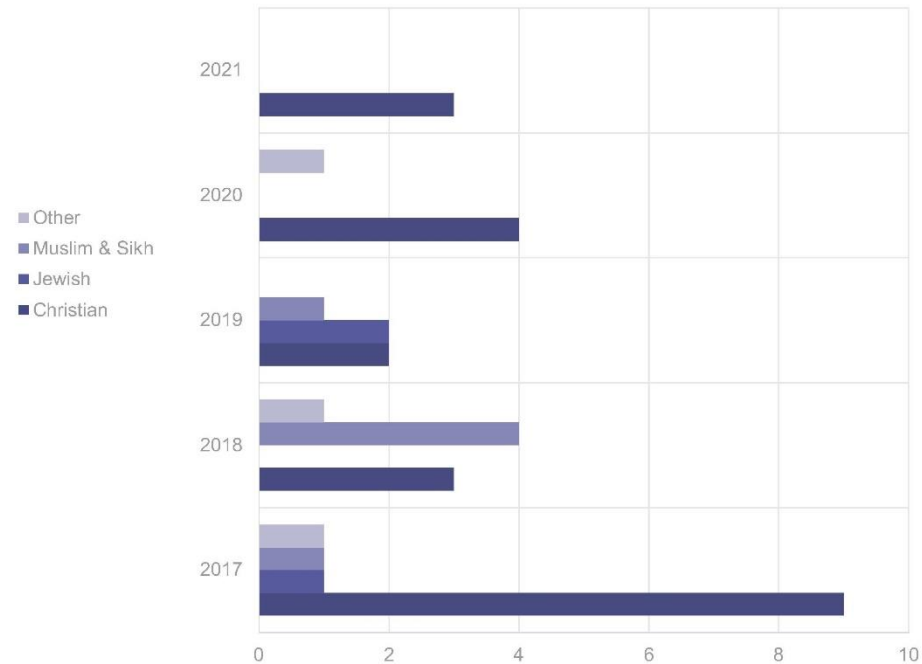
The EEOC will focus on recruitment and hiring practices that discriminate against racial, ethnic, religious groups, older workers, women, and people with disabilities.



Priority #2 - Protecting Vulnerable Workers

The EEOC will focus on job segregation, harassment, trafficking, pay, retaliation and other policies and practices against vulnerable workers including immigrant and migrant workers, as well as persons perceived to be members of these groups, and against members of underserved communities.

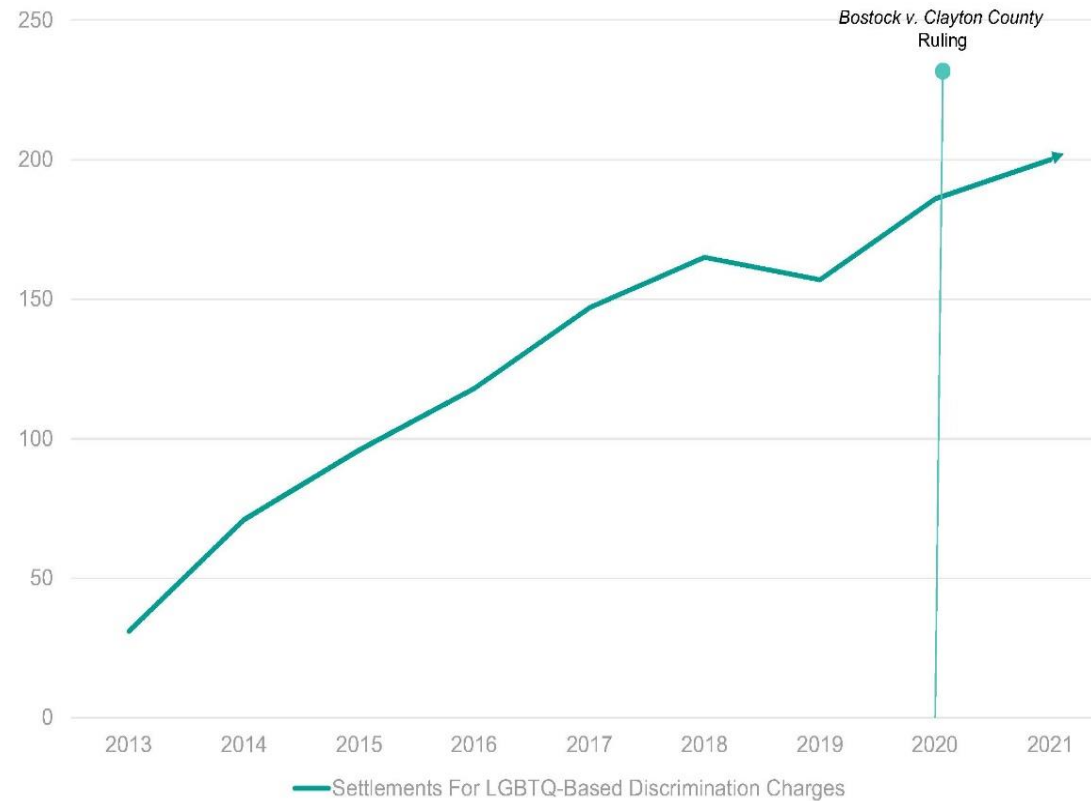
EEOC Religious Discrimination Filings
FY 2017 – FY 2021



Priority #3 - Emerging Issues

As a government agency, the EEOC is responsible for monitoring trends and developments in the law, workplace practices, and labor force demographics.

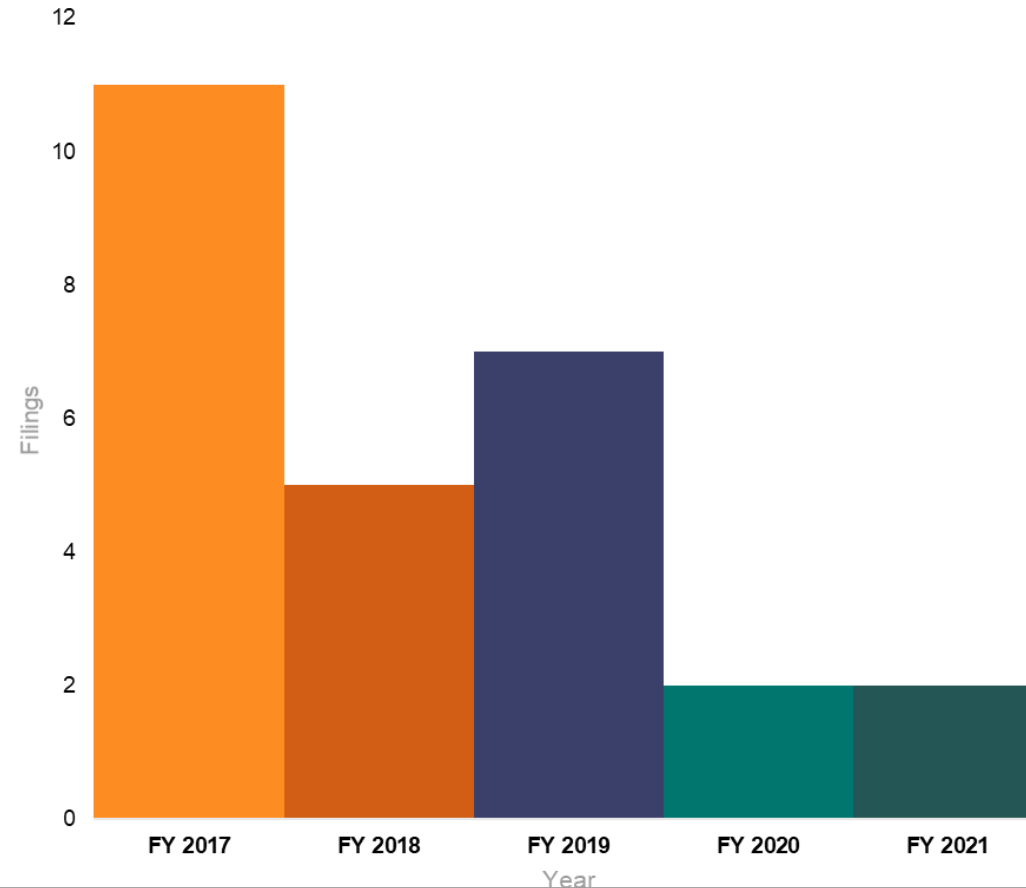
LGBTQ-Based Sex Discrimination Charge Settlements



Priority #4 - Ensuring Equal Pay

The EEOC will continue to focus on compensation systems and practices that discriminate based on sex under the Equal Pay Act and Title VII. Pay discrimination also persists based on race, ethnicity, age, and for individuals with disabilities, and other protected groups.

EPA Filings FY 2017 - 2021



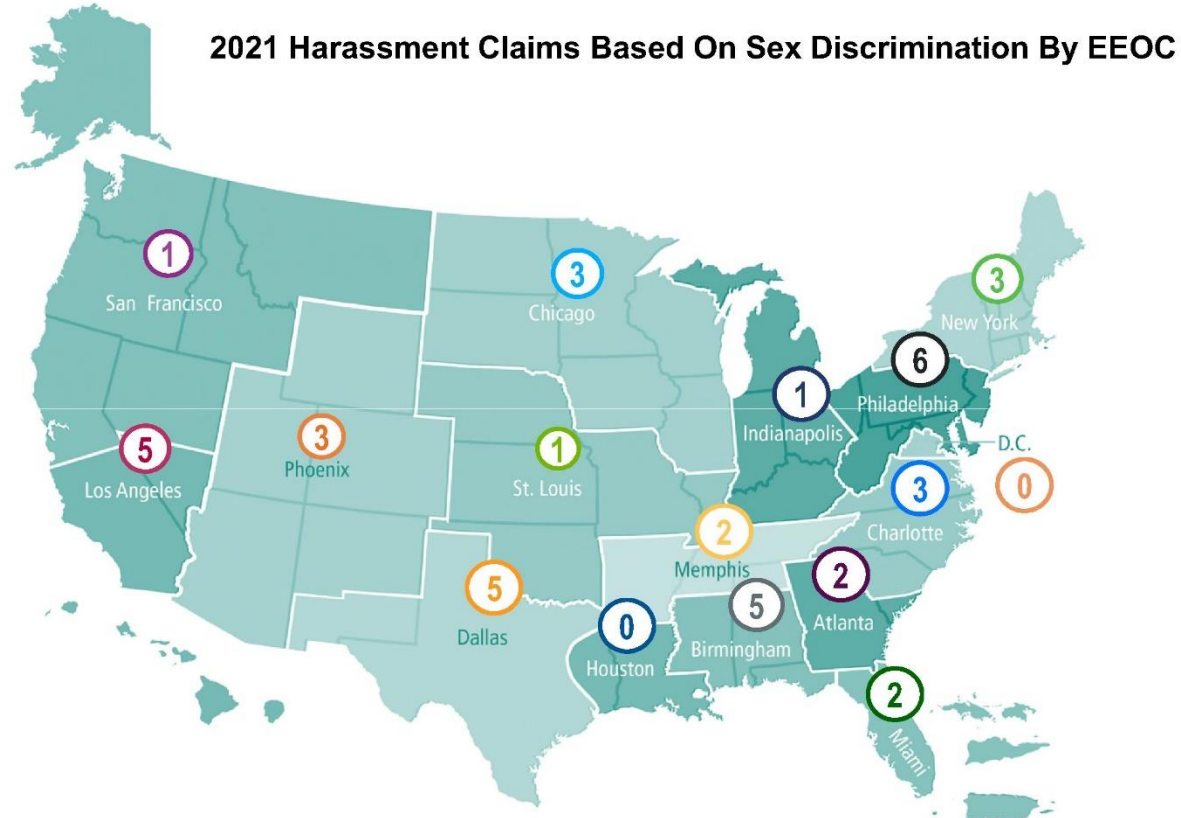
Priority #5 - Preserving Access To The Legal System

The EEOC will focus on policies and practices that limit substantive rights, discourage or prohibit individuals from exercising their rights under employment discrimination statutes, or impede EEOC's investigative or enforcement efforts.

Priority #6 - Preventing Systemic Harassment

Harassment continues to be one of the most frequent complaints raised in the workplace. The most frequent bases of harassment alleged are sex, race, disability, age, national origin, and religion.

Preventing Systemic Harassment



Things To Come In 2022

- Expected litigation focus for the remainder of FY 2022
- Early trends in the litigation data
- Votes on cases in FY 2022
- Best practices to stay off EEOC's radar



About The Book



- Analyzes new lawsuits filed and other enforcement activities initiated in the EEOC's 2021 fiscal year from October 1, 2020 through September 30, 2021
- Analyzes recent court decisions impacting substantive and procedural developments in EEOC-initiated litigation
- Distributed to thousands of companies, corporate counsel, and journalists
- Referenced in the Wall Street Journal, Bloomberg BNA, HR Dive, HR.com, and Law360

**thank
you**

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