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EEOC Has a Busy 2011 Fiscal Year by J. Mark Baird

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According to a recent press release, the qual Employment Opportunity Commission had one of its busiest and most productive years ever. For its 2011 Fiscal Year, the EEOC reported:

â—• 99,947 charges of employment discrimination - the largest annual total ever - were filed in the fisca year.

â—• The EEOC completed investigations of a record number of cases, and reduced its backlog of br>pending cases by 10 percent.

â—• The EEOC recovered more than $364.6 million in monetary benefits for Charging Parties, which is the highest amount ever for a fiscal year.

â—• The EEOCâ€™s mediation program collected more than $170

million in monetary benefits for Charging Parties, and resolved 9,831 cases â€“ both records for the agency.

The EEOC also announced that it continues to build a strong national systemic enforcement program. â€œSystemic discriminationâ€• involves an alleged pattern or practice of class-wide discrimination with a broad impact upon an industry, profession,

company or geographic area. Systemic discrimination may be found in discriminatory barriers to employment through the recruitment and hiring process; restricted access to managerial or high level positions; the exclusion of qualified women from traditionally male dominated positions or fields; barriers to employment or advancement against individuals with disabilities through the use of pre-employment inquiries or qualification requirements that are not essential for the position at issue; and reductions in force that have a disproportionate impact upon individuals in protected groups.

As of October 31, 2011 (the end of the EEOCâ€™s fiscal year), the EEOC had 580 active and on-going systemic investigations, involving more than 2,000 Charges of Discrimination. The EEOC also obtained significant results in litigating system discrimination cases. Its results include:,

â—• $19,000,000 settlement with Outback Steakhouse, arising from allegations that women were denied employment/advancement opportunities due to a â€œglass ceiling, in violation of Title VII.

â—• $9,000,000 settlement with Albertsons, arising from alleged discrimination based upon, race, color, national origin and retaliation, in violation of Title VII.

â—• $6,200,000 settlement with Sears, Roebuck for alleged discrimination against individuals with disabilities, in violation of the Age Discrimination in Employment Act.

â—• $4,500,000 settlement with Allstate, arising from alleged age discrimination in violation of the Age Discrimination in Employment Act.

â—• $3,000,000 settlement with Scrub, Inc., for alleged racial discrimination in hiring in violation of Title VII of the Civil Rights Act of 1964.

â—• $1,260,000 settlement with GRMI (d/b/a â€œBahama Breezeâ€•), arising from allegations of a racially hostile work environment in violation of Title VII of the Civil Rights Act of 1964.

The EEOC has also been active litigating cases. In the 2011 fiscal year, the EEOC District and Field Offices filed 261 lawsuits.

As these numbers illustrate, employers should be vigilant in reviewing and updating their policies and practices to ensure compliance with the laws enforced by the EEOC. Employers should also be particularly aware of a heightened EEOC focus in the

following three areas in which the EEOC has declared a greater focus: (1) issues affecting individuals with disabilities under the Americans with Disabilities Act; (2) the use of credit checks by employers; and (3) the use of criminal background checks by employers.

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J. Mark Baird - About Author:
J. Mark Baird and Beth Doherty Quinn, the a employment lawyers at Baird Quinn, LLC have practiced law for more than 25 years and 15 years, respectively, with an emphasis on employment law and labor-management. They have extensive experience litigating employment law matters, including discrimination, harassment, a unlawful termination, wage and hour, retaliation, unfair labor practice, non-compete/employee loyalty, and breach of contract. They also litigate commercial fraud matters. Not only have they represented clients before a variety of administrative agencies and courts, Mr. Baird and Ms. Doherty Quinn have conducted numerous seminars, such as seminars on ADA compliance, and in-house training for clients regarding sexual and a employer harassment and other Title VII discrimination issues as well.

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